# PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972 SENATE RESOLUTION 60

### **HEARINGS**

BEFORE THE

# SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

#### UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

#### WATERGATE AND RELATED ACTIVITIES

Phase II: Campaign Practices

WASHINGTON, D.C., OCTOBER 4, 9, 10, 11, AND 31, 1973

Book 11



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## SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

(Established by S. Res. 60, 93d Congress, 1st Session)



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## PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972 PHASE II: CAMPAIGN PRACTICES .

#### THURSDAY, OCTOBER 4, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:20 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators-Ervin, Talmadge, Inouye, Montoya, Baker, Gur-

ney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; David M. Dorsen and Terry F. Lenzner, assistant chief counsels; Marc Lackritz, James C. Moore, W. Dennis Summers, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, Michael J. Madigan, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Bruce Jaques, Jr., office of Senator Montoya; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator Ervin. The committee will come to order.

I am sorry I had to go to the Commerce Committee. It was imperative, and I was in hopes that the senior member, the vice chairman, would open the meeting and he should if I am not here. Counsel will call the first witness.

Mr. Edmisten. Mr. Chairman, the first witness is Martin Douglas Kelly, and he will be interrogated by Mr. Terry Lenzner, the assistant chief counsel. Mr. Kelly does have immunity, and you might want to

speak to that.

Senator Ervin. Suppose you stand up Mr. Kelly, raise your right hand. Do you swear the evidence you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Kelly. Yes, sir.

Senator Ervin. Let the record show that Mr. Kelly is testifying involuntarily under an order of immunity entered by Chief Judge John J. Sirica of the U.S. District Court for the District of Columbia under sections 6002 and 6005 of title 18 of the United States Code, and that such order was entered by Judge Sirica at the unanimous request of the Senate Select Committee. Counsel may proceed.

Mr. Lenzner. Mr. Kelly, I see you have counsel with you. Would counsel identify himself, please?

Mr. Beck. Yes, sir, Mr. Lenzner, Phillip K. Beck. I am a practicing

attorney in Lakeland, Fla.

Mr. LENZNER. Thank you, Mr. Beck.

Mr. Kelly, you have a short statement. Would you go ahead and read that please?

## TESTIMONY OF MARTIN DOUGLAS KELLY, ACCOMPANIED BY PHILLIP K. BECK, COUNSEL

Mr. Kelly. Yes. My name is Martin D. Kelly. I am 24 years old; live in Miami, Fla., and was born in Fukuoka, Japan. I've previously been heavily involved in Florida College Republican and Young Republican activities statewide. There have been several political campaigns that I have participated in to varied extents and capacities since 1968.

Two years ago I was approached by a man identifying himself as Donald Simmons, asking me to join him in political ventures relating to "negative campaigning," or, as it's currently more popularly termed, "dirty tricks." My participation in these activities was on my own volition, and I was initially paid a modest salary for the purpose of causing confusion, disruption, and malcontent amongst the Demo-

cratic Presidential primary candidates.

After participating in some of the aforementioned activities either by myself or with Mr. Segretti—alias Donald Simmons—I was to be paid \$700 monthly for activities to take place just before, during, and after the Democratic National Convention in Miami Beach. No provocations, illegalities, or dirty pranks were carried out that summer because of the Watergate break-in and the heat of the investigations that followed. My varied political ventures relating to these activities took place, therefore, sometime between December 1971 to about April or May 1972, or a period of approximately 6 months.

I have provided this committee with a verbal report on all that I can recall that was done for Mr. Segretti, with Mr. Segretti, or on my own volition. I very deeply regret the political and personal damage incurred by the Senators, their families and staff members while run-

ning for higher office, as a result of my activities.

It's my hope that young people will continue to enter politics in high school and college. What political future I may have had has been virtually wiped out by what I did and was involved in. Those who live by the sword die by the sword, and I feel that these hearings can serve no better function than to exemplify the necessity of keeping our political system free of the things that can make politics corrupt and eventually ineffective.

Thank you.

Mr. Lenzner. Thank you, Mr. Kelly.

Mr. Kelly, how long have you lived in Miami?

Mr. Kelly. I have lived in Miami about 10 of the last 11 years, approximately.

Mr. Lenzner. How are you presently employed, sir?

Mr. Kelly. Right now I am employed with my father. We are starting a business in Florida.

Mr. Lenzner. Now, did that call you referred to from Mr. Simmons come in the fall of 1971?

Mr. Kelly. Yes, sir, it did.

Mr. Lenzner. Can you tell the committee what the substance of the phone call was?

Mr. Kelly. Yes, sir.

Mr. Segretti called identifying himself as Donald Simmons, saying he was referred—he had been referred to me by a Mr. Smith whom I did not know or didn't know what he was talking about. He said he wanted to meet with me, have lunch, and discuss some possibility of my helping him in something political, I wasn't sure what. He asked me who my choice for President was and I told him I was for Nixon.

Mr. Lenzner. Shortly after that did you meet with him and can

you relate that conversation?

Mr. Kelly. Yes, sir. It didn't take much time, I suppose the lunch was 45 minutes, an hour, something of that sort. We discussed my background, my political background, and he asked me what I thought about negative campaigning, was the way he put it. I expressed interest in it unfortunately, and when I asked him about his background he was pretty evasive, he only mentioned that he was a gradute of Yale, he was 29, that he was from a very wealthy family that was interested in getting involved in the election.

Mr. Lenzner. Did he explain what "negative campaigning" was or

did you have some idea of that?

Mr. Kelly. Well, I had a pretty good idea of what it was, I didn't of course understand the scope of what he meant but I certainly knew what positive campaigning was and I had seen some negative campaigning in previous campaigns to a much lesser degree but I had a pretty good idea of what he meant.

Mr. Lenzner. Did you agree to work for "Mr. Simmons," as you

thought his name to be, at that time?

Mr. Kelly. Yes, sir. In a way it wasn't like you were hired that particular time. He said he would get back in touch with me in a week or 10 days. He gave me some money, I don't remember the exact amount, \$40, \$50, \$60, something of that sort and he recontacted me by phone about a week or 10 days later.

Mr. Lenzner. Did you arrive at an agreement for compensation for

your work?

Mr. Kelly. Pardon?

Mr. Lenzner. Did you arrive at an agreement for compensation for your work?

Mr. Kelly. Yes.

One hundred and fifty dollars, I was to be paid initially for the first few months, and then he said we will work something out later as to more.

Mr. Lenzner. And did he specify a figure for your work to be done later?

Mr. Kelly. Well, not at that time; no. Later the figure was set at \$700. It was to start about June, April—about May or June—was to run before the convention, during the convention, and also for some postconvention activity. By the convention I mean the Democrat convention in Miami Beach which I think was held in July.

Mr. Lenzner. Now, prior to Mr. Simmons calling and being with you, did you know an individual by the name of Harry Devant?

Mr. Kelly. Yes, sir.

I had met Mr. Devant in young Republican politics. He was local, he was also in Miami. I knew in 1968 he had been an advance man for President Nixon's campaign, and I knew him socially mostly, or sometime in 1971, I can't place the exact time or date, but it was 1971, I think that he began getting involved in young Republican politics which I was also involved in.

Mr. Lenzner. Now, a short time ago, you had a conversation with

Mr. Devant concerning Mr. Segretti, is that correct?

Mr. Kelly. Yes, sir. It was never clear to me even from the conversation with Mr. Devant that he was the one who had referred Mr. Segretti to me or had given him my name. I was suspicious of that fact. He mentioned that Segretti had contacted him and asked him, to paraphrase, "For somebody who had guts," and apparently he gave him my name.

Mr. Lenzner. How long did you work for Mr. Segretti?

Mr. Kelly. Well, I was first contacted by him, in, I believe, October, I think it was October but my activities really didn't start until about December, and they ran mostly until the primary which I believe was March 14 in Florida. I did participate with him in some activities after that as late as April or May. But I suppose the entire time I was involved with Mr. Segretti in political sabotage, if you will, would be about 6 months.

Mr. Lenzner. Now, during that period of time you had telephonic and inperson contact with him, did you discuss with Mr. Segretti his

strategy for the Democratic primary in Florida?

Mr. Kelly. Yes, sir.

We discussed what we thought were the strategies, what we wanted to do. The idea was that everybody knew Wallace was going to take the State but given that fact, second was as good as first really for the rest of the candidates. It would not have been a defeat if Senator Muskie had come in second in Florida because everybody expected Wallace to take the State. What we wanted was to have Senator Muskie to come in fourth, fifth, or worse because this would derail his bandwagon, so to speak, while coming in second would not. And the idea was to not only just confuse the campaigns of the candidates but to cause divisiveness, to make it difficult for them to unite after the convention, and some of the things we have done, which I will go into later, you will be able to see that clearly.

Mr. Lenzner. Now, was there also discussion about Senator Mus-

kie and his personality with Mr. Segretti?

Mr. Kelly. Yes, sir.

He mentioned to me that Senator Muskie had a short fuse, and that if enough pressure, week by week, was put on him and enough things went wrong he would be more apt to blow that fuse.

Mr. Lenzner. By the way, could you explain to the committee how

you communicated telephonically with Mr. Segretti initially?

Mr. Kelly. Well, initially, he called me, he called me station-tostation, I was living at the time with my parents, we moved to Fort Lauderdale during that time initially when he was contacting me. He also called by phone from California, station-to-station. It was never a person-to-person call. Mr. Lenzner. Did you use your real name in talking with Mr. Segretti?

Mr. Kelly. Yes.

Mr. Lenzner. On the phone?

Did there come a time later when you started calling Mr. Segretti and you did not use your name?

Mr. Kelly. Exactly.

After several months he gave me a number of an answering service, somewhere in the Midwest, Cook & Associates or something to that effect. I would call, if I needed to get in touch with him and leave the name "Mr. Douglas" and he would call me back. Usually we had a time, a set time. He would call me every 2 weeks on a Monday at 12 o"clock or something of this sort but if something came up that we had to communicate before that, or I did—I was to call this number and he would get back in touch with me.

Mr. Lenzner. Did there come a time when you and Mr. Segretti

began to place false advertisements?

Mr. Kelly. Yes.

Mr. Lenzner. Those were in newspapers and on the radio, is that correct?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Can you describe the substance of those advertise-

ments? What they were aimed at?

Mr. Kelly. Well, they were advertisements placed in the university newspaper, University of Miami campus newspaper, I think one was read yesterday, a want ad, there was also another one in there. There was a Cuban newspaper, local one, in Miami that an ad was placed, alluding to Senator Muskie saying that we should start recognizing Cuba, start trying to cooperate and work with them, and I think it ended by him saying, "I was born in Maine and I am a good American" which, of course, was meant to insult Cubans that read it. A similar ad was put on the radio of the same type of copy, it was done on the Cuban radio station.

Mr. Lenzner. I take it those advertisements focused primarily on

Senator Muskie, is that correct?
Mr. Kelly. Totally, yes, sir.

They were not signed by an individual but they had a tag on it referring to the Senator Muskie reelection—Senator Muskie for President Committee.

Mr. Lenzner. Now, did you also distribute with Mr. Segretti literature on a number of occasions?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Can you describe briefly the nature of the literature

you were distributing?

Mr. Kelly. Some of the literature were posters that we put up that were shown yesterday, the busing posters, he and I put so many of those up in Miami. There was literature distributed for a bogus lunch that was held in Senator Muskie's behalf at his campaign headquarters. These were passed out, telling them to bring the invitation with them, they would get a free lunch and liquor and get to meet Senator Muskie and his wife, and we also had literature passed out on campus, some passed out on Miami Beach, some at picnics, a couple at his rally.

Mr. Lenzner. On that invitation to a free lunch, did you take any

further action after passing out those pamphlets?

Mr. Kelly. Yes, sir, which is really the strategy of what we were doing, which is kind of illustrative. The morning the lunch was to take place, of course, Muskie headquarters people did not know about it. I think we had passed these out 1 or 2 days before. I called that morning representing myself as a distraught Lindsay supporter and mentioned that I wanted to be anonymous but something had taken place I was very upset about, that had been done by someone from Lindsay's camp and that they should be expecting some lunch crashers very shortly. The evening before—then I gave him the address of the local Lindsay headquarters where you go down and check it out.

Mr. Lenzner. That call was to Senator Muskie's headquarters, is

that right?

Mr. Kelly. Yes. The evening before I had taken some of the invitations and had put them in front of a door of Lindsay headquarters, that I gave them the address of, put a rock on it, knowing in the morning they would pick them up and bring them inside and when the Muskie aides did come to the headquarters they would probably find the invitations inside the headquarters.

Mr. Lenzner. And that, I think, demonstrates in your description the attempt to divide and leave a residue of some bitterness between

the camps, is that correct?

Mr. Kelly. Yes, sir.

Which sort of focuses on a misconception that this committee seems to have on one of the purposes of what was done. I know there were some questions yesterday by Senator Ervin and by Senator Gurney about this. These things being done were not done to influence votes, necessarily, at all. You send out 50, as bad as they were, I did not have anything to do with that letter, the sexual letter, as bad as they were, I think they only went to 50 people, you are not going to affect the primary by sending 50 letters out. The letters were bad enough, they were expected to be brought to the notice of the candidates of who sent them and for him to be upset about it and for him to blame possibly another candidate running in the Democratic primary. The idea was to get the candidates backbiting each other and possibly starting doing it to each other outside of our activities. They were not necessarily to influence votes. If we could get, say, Senator Jackson very, very upset at Senator McGovern for something that was done after the convention he might raise half the money he would have, speak at half the places he would have in the State, and that would have meant a percentage point or even a half percentage point, it could have meant the difference in the State during the general election.

Mr. Lenzner. Did you also, with Mr. Segretti, issue false press

Mr. Kelly. Yes, sir.

Mr. Lenzner. And again, for the same strategy, I take it?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Can you just describe briefly the nature of the releases;

what they contained, if you remember them?

Mr. Kelly. I do not remember distinctly. I think one referred to Senator Humphrey. These were written on Muskie stationery. They referred to Senator Muskie's stand or at least claimed vague and ambiguous stand, of aid to Israel which, of course, did not go over very

well in Miami Beach. I cannot recall exactly what the others—I think

there were three releases, maybe four that I sent.

Mr. Lenzner. And that press release contrasted Senator Humphrey's position on that issue with Senator Muskie's to make it appear that it was a pamphlet or a flier handed out by Senator Muskie?

Mr. Kelly. Yes.

Mr. Lenzner. Was there also a press release on Senator Muskie that he favored busing while he sent his children to private schools?

Mr. Kelly. Yes—well, I am not sure that was a release, because I

am not sure it was on Senator Muskie's stationery.

Mr. Lenzner. That would have been a flier?

Mr. Kelly. Yes.

. Mr. Lenzner. By the way, did you ever get any kind of impression or any understanding of how successful this strategy was during the

primary?

Mr. Kelly. No, not specifically. I did not have a reporter or spy in any headquarters. I could only perceive that a lot was going on, that they were having problems. I had worked in campaigns, been in campaign headquarters myself and if a lot of food, all of a sudden started arriving, and a lot of phone calls and a lot of people started walking in for lunches had been happening, I know I would have been upset about it, and fake press releases, et cetera. So I only surmised that they were having problems. I had no personal knowledge of that.

Mr. Lenzner. Did there come a time when Mr. Segretti dictated a

letter to you over the phone?

Mr. Kelly. Yes, sir. It was a letter that purportedly said that a Congressman from the west coast of Florida had donated his aides and some typewriters to Senator Muskie's campaign, which more or less mentions that or alludes to the fact that he is using paid Government workers, his staff members, to work for a Presidential candidate. These were sent to—I think one was sent to Jack Anderson, I think one was sent to the Boston Globe, one was sent to Rowan and Martin—what are their names—Evans and Novak.

I believe one was sent to Knight newspapers. I cannot recall for

sure.

Mr. Lenzner. Did you send one to Senator Jackson's headquarters also?

Mr. Kelly. Yes, sir, just in case the newsmen were not doing their job on that. We figured that that would work, that they would certainly get back in touch with Senator Muskie and check it out before they printed it. Just in case they did not, we sent one to Jackson's headquarters, because we knew they would not be too happy about it.

Mr. Lenzner. Mr. Beck, do you have the documents?

If you will look at tab 9 [exhibit No. 205\*], I think it is. Does that appear to be the letter that you just referred to, Mr. Kelly?

Mr. Kelly, Yes.

Mr. Lenzner. And that is on Senator Muskie's stationery, is it not?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Now, Mr. Kelly, did you also on occasion discuss with Mr. Segretti the use of a stinkbomb or some kind of chemical to be used at political events?

<sup>\*</sup>See Book 10, p. 4279.

Mr. Kelly. Yes, sir. I have a friend that is a chemist and he came up with a concoction. The name is butyl percaptain.

Mr. Lenzner. Could you give the spelling?

Mr. Kelly. I think it is b-u-t-y-l p-e-r-c-a-p-t-a-i-n.

He guaranteed me that it would make rotten eggs smell like a rose, which is horrible, and was. It was very, very bad stuff. It was not physically harmful, but was very, very noxious. It was terrible to have to sit there and smell it. It would cause great discomfort for anyone

being near it.

This was used—Senator Muskie had a picnic scheduled in Miami and it was so bad, even inside of a bottle, you could smell it. We had to put wax around it and put it in a coke. The way it was used, the cap was opened, the coke was dropped, and everybody thought the food was bad. So it kind of made the picnic a bad affair.

He took some of it and used it up in Tampa, from what I understand.

Mr. Lenzner. And it was used at a picnic in the Miami area?

Mr. Kelly. Yes.

Mr. Lenzner. Did you also conduct other activities on primary day in Florida, on March 14 of 1972?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Can you describe those to the committee?

Mr. Kelly. On primary day, we had the campaign headquarters of Senator Muskie—we called, some floral arrangements were brought in, some chicken, some pizzas, I think \$300 or \$400 of liquor. The telephones, we tried to tie up the telephones by—we knew the sequence, or at least the number on his campaign material was 1234, say, the last four digits. We just took the last digit and kept adding one number to it and calling it until we had one of his phone outlets. We went to a phone booth—by "we," I mean I. I went to a phone booth, would call the number. When they answered, I would leave it off the hook, walk out of the booth and put an out-of-order sign on it. I am not sure that worked. As a matter of fact, I am pretty sure it did not work, because the phones cut off when this happens. At least, I discovered that a week or so later when I tried it on myself, so I do not think it was effective. But we did do that.

Mr. Lenzner. Was there one occasion when you went to a press conference held by Senator Muskie at a hotel in the Miami area?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Can you describe what activities you conducted there?

Mr. Kelly. Well, he had a press conference at the Four Ambassadors Hotel. I went down and asked some Cubans to hold up some signs saying, "Muskie, go home," "We Want a Free Cuba." They were picketing in front of the press conference, which got some of the press attention.

I also walked into the press conference with a long overcoat and dropped two white mice with blue ribbons on their tails saving.

"Muskie is a Rat Fink."

I also let a small finch out which was flying around the room and causing some commotion and sort of made Senator Muskie's press conference comical at the time.

Mr. Lenzner. I did not hear, Mr. Kelly. Did you describe what

instructions the pickets had?

Mr. Kelly. The pickets, I only remember clearly something to the effect of "Muskie, go home," "We want a Free Cuba." In other words, showing that the Cubans were unhappy with Senator Muskie, I gave them Humphrey buttons to wear. They were all wearing Humphrey buttons, which I tried to stage and one of Senator Muskie's aides came up and asked me about it. I told him confidentially that we were really working for Senator Jackson.

Mr. Lenzner. By the way, were you receiving Senator Muskie's schedules from Mr. Segretti of his activities in Florida on occasion?

Mr. Kelly. I was receiving it orally. I never had a written report on it. He would call me and give me sometimes as much as a week's notice on activities. We had a ticket, a train stop through the State, he referred to it as a whistle-stop tour. I think I had a week's notice on that, although I did not do anything on that particular issue.

Other times, I would have maybe 1 day's notice of a schedule. For

instance, he may be talking to the staff of a newspaper the next day. If this was the case, I would call up in the morning and either cancel the appointment or move it up an hour or back an hour, which would

cause disconcertment amongst the press and the candidate.

Mr. Lenzner. Now, on one occasion, were you asked by Mr. Segretti to come to Washington, D.C.?

Mr. Kelly. Yes, sir.

Mr. Lenzner. And was that to attempt to disrupt Senator Muskie's campaign dinner here?

Mr. Kelly. Yes, sir. He called me on very short notice, Thursday or Friday. I flew up on a Saturday morning. The dinner was to be held Monday night at the Washington-Hilton. We tried to organize a rally of demonstrators. We printed up some signs, leaflets, saying to come demonstrate against the fat cats; a \$1,000 reception and a \$500-aplate dinner, something of that sort. We made up some signs for the demonstrators who never showed. We did that.

Mr. Lenzner. Did you call any groups in the Washington area to

come to that demonstration?

Mr. Kelly. Yes; we used the underground newspaper, whatever it

Mr. Lenzner. I think it has been referred to here before. I think it is the Quicksilver Times.

Mr. Kelly. All right, the Quicksilver Times.

There is a section in the newspaper that shows all the different groups—the Black Panthers, the Gay Liberation Front, you know, all the weird different groups they have.

We called them—different organizations. I do not want to say all

the weird groups. They had all the organizations listed.

We called them, contacted them, told them about the rally, when it was, when to be there. I think we called some people from the Hare Krishna movement. They said they would certainly have their heads shaved and have their drums out there ready to go. But they did not show up either.

We contacted perhaps 10 or 12 African diplomats and told them that we were speaking in behalf of Muskie. I represented myself as a Muskie aide. I called them by phone, invited them to the dinner for Monday night, told them to wear their native garb.

Then we called the limousine services and had a limousine pick each one of them up and bring them to the Washington-Hilton, which was regretful, but the result of it was embarrassing for Senator Muskie, embarrassing for the diplomats. And, of course, the chauffeurs were less than happy about it also.

Mr. Lenzner. Now, when you had the leaflets printed up on that occasion, did you try to implicate Senator Humphrey's campaign in

that?

Mr. Kelly. Yes; we had them printed up at a local—it was a Georgetown print shop. By "we," I mean myself and Mr. Segretti. We set the type to it and did it there, had it run off there, acted like it was going to be a great big affair. Then we left the address on the bill of the Humphrey headquarters in town. Also, I think we left the name of George Kennedy, who, I believe, was his northeastern campaign manager, or something of that sort, figuring that the owner of the printing shop would be alarmed and call the authorities to try to give them some warning, anyway, and they would check it out and find out who ordered or made up the leaflets. And of course, it would check back to Humphrey headquarters.

Mr. Lenzner. Did you also talk with Mr. Segretti about activities that might be pursued during the Democratic National Convention in

Miami?

Mr. Kelly. Yes. We didn't go into a lot of detail about it. We were supposed to or we were going to set a time aside, maybe in July, to get together and go over the details of it. That never happened because of the Watergate break-in, or rather the heat of the investigation. We discussed getting possible advance lists of the delegate count of the delegations for each State at the convention. When they are calling the delegation chairman, setting up an appointment for the candidate to meet the delegation, representing ourselves as from that candidate's camp, and, of course, he would not show up, which would get the delegation unhappy. In that manner we were hoping to probably do that with everybody except McGovern because he was the desirable nominee of the convention as far as we were concerned.

Also, this has been gone over several times. I am not sure it is actually a fact. There was supposed to be a flyover by an airplane trailing "Pot, Promiscuity," whatever "Peace for McGovern." This was ordered in about April or May, maybe June. I think about May. I am not even positive if I left some money for it at one of the local skywriter firms, whatever they are. I don't recall distinctly if I even left money there, but I know I never contacted them again. I never personally saw the plane trailing this message. Someone told me they had seen a plane with some sort of weird message. I told that to Mr. Segretti and apparently he thought it sort of exaggerated itself along the way. It may have happened, but I have no personal knowledge of that.

Mr. Lenzner. Mr. Kelly, did you rent some hotel rooms at Mr.

Segretti's request?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Why were they rented?

Mr. Kelly. I put some deposits down on them, I believe in May again. The purpose was hazy. He didn't go into detail, mentioned that there may be some people coming down, long hairs, hippies, possibly, to demonstrate in front of the Doral Hotel.

Mr. Lenzner. Now, during this period of time, with reference to your activities for Mr. Segretti, did you obtain in your possession certain records that reflected these activities?

Mr. Kelly. Would you repeat that, please?

Mr. Lenzner. Did you have documents that you used or obtained during this period of time that would have reflected your activities for Mr. Segretti?

Mr. Kelly. Yes; I had copies of different fliers, different ideas and

notes and phone numbers that I did have in my possession.

Mr. Lenzner. What did you do with those documents?

Mr. Kelly. Well, I destroyed them. This is about September, I suppose, or October of 1972, when this started coming out in the open. I was getting calls from investigators and I was, of course, upset about it. I wanted to, frankly, destroy what evidence there was of my involvement. I just took it out and threw it away.

Mr. Lenzner. Do you recall which investigative agency was the

first to contact you?

Mr. Kelly. Senator Kennedy's Subcommittee on Administrative Practices—Government—Administrative Practices and Procedures Subcommittee, I think is the title, I am not sure.

Mr. Lenzner. Do you have any record of when you were first con-

tacted by the FBI or the U.S. attorney's office in Florida?

Mr. Kelly. Yes; I think I was contacted by the FBI's office in August. In late August, I was contacted on one occasion. This subcommittee contacted me, I believe, about October.

Mr. Lenzner. Thank you very much.

I have no further questions.

Senator Baker. Mr. Chairman, before you pass the questioning to minority counsel, I would like to introduce Mr. Howard Liebengood, who will question the witness today, and also to announce, if I may, that I am the senior Republican, the ranking Republican on the Public Works Committee, which is having an executive session at 11 o'clock. With the chairman and the committee's permission, I would like to absent myself from the hearings in order to attend that.

Senator Ervin. Those things are unavoidable.

I would like to state also at this time that Senator Talmadge is having to attend a very important meeting of the Finance Committee.

You may proceed.

Mr. Liebengood. Thank you, Mr. Chairman.

Mr. Kelly, was your involvement in politics prior to your contact with Donald Segretti conducted at the collegiate level?

Mr. Kelly. Yes, sir, mostly.

Mr. Liebengood. Had you ever held a salaried position in any Republican campaign?

Mr. Kelly. Not salaried. I had a position where I had expenses paid

on several occasions.

Mr. Liebengood. What position was that?

Mr. Kelly. That was 1970, I was working for Governor Kirk's reelection. In 1968, I was involved in the Students for Nixon on campus and some local elections. There was a man running for Congress and the State Senate that I was involved in.

Mr. Liebengood. Were there any political pranks involved in that

campaign?

Mr. Kelly. Well, there were political pranks pulled, yes, sir. I don't think there has been a campaign ever seen where there haven't been some political pranks. Not to this scope, no, but there were some pranks pulled.

Mr. Liebengood. Were the pranks, to your experience, pulled by

both sides of the campaigns?

Mr. Kelly. Yes, sir.

Mr. Liebengood. By people working for the campaigns?

Mr. Kelly. Yes, sir.

Mr. Liebengood. Were you a student at the time you participated in the activities with Mr. Segretti?

Mr. Kelly. Yes, sir.

Mr. Liebengood. You indicated in your opening statement that you were initially paid a modest salary and that you were to be paid \$700 a month?

Mr. Kelly. Yes.

Mr. Liebengood. Is my understanding correct that you were never

paid \$700 a month?

Mr. Kelly. I believe I was to start in June with \$700 a month. In May, I moved into an apartment in Fort Lauderdale and I received an advance, I think, of \$400 or \$500 that was to be taken from—prorated the next 3 months. I think I was going to receive \$500 a month for June, July, August. As it turned out, I did not receive anything after that time.

Mr. Liebengood. Did you continue with the same modest salary that you started with?

Mr. Kelly. No, sir.

Mr. Liebengood. What was that salary, \$150 a month?

Mr. Kelly. Yes, sir.

Mr. Liebengood. That was all you received?

Mr. Kelly. No; I received money for expenses. That was salary. Mr. Liebengood. Now, when Mr. Segretti contacted you with regard negative campaigning, you indicated that you expressed some in-

to negative campaigning, you indicated that you expressed some interest in that when he said it. Did you have any hesitation at all about participating in these activities?

Mr. Kelly. Well, if you are talking about the initial contact, No. 1,

I wasn't exactly aware what his activities were going to be.

No. 2, I did have some misgivings about taking part in it. I wasn't sure what I was getting into. It was more of a gradual thing. I guess I just kept digging a bigger and bigger hole for myself.

Mr. Liebengood. Do I understand correctly that you did this of your

own volition?

Mr. Kelly. Yes, sir.

Mr. Liebengood. Mr. Segretti did not persuade you with political favors, offer any political favors or anything like that?

Mr. Kelly. No; he did not. Mr. Liebengood. At any time? Mr. Kelly. No; he did not.

Mr. Liebengood. Did Mr. Segretti ever tell you that he was employed by the CRP, the Republican National Committee, or working for anybody in authority?

Mr. Kelly. No, sir. Although I knew, I didn't believe that he came from a wealthy family, whenever I asked him who he was working

for, who he was working with, where he was getting his money, he replied, I don't know, which of course, he was putting me off. He said after the election, we would sit down and have a nice cold beer, he would tell me the whole situation, maybe meet the boys, is the way he put it.

Mr. Liebengood. Now, this variety of political pranks that were

pulled, were these all Mr. Segretti's ideas?

Mr. Kelly. No. Some of them were mine. A minority of the amount—several of them, I will put it that way—were my ideas. But mostly I was working on his direction. There were some things that were done that I did on my own, that I thought of and did.

Mr. Liebengood. Do you know how much thought or planning

went into the preparation of these ideas?

Mr. Kelly. Well, that varied. Usually, there wasn't a lot of preparation. Often, we would think up something over the phone. Or on the occasions I met with him in Miami, we would talk about them, come up with something, maybe do it the next week or the next day or something. There was never a schedule—that 5 weeks or 3 days from now, we would do this, or in 6 weeks, we would do this.

I want to contradict one thing. I do believe we had a schedule, but we never followed it. It was very general. The calendar we made up

was useless.

Mr. Liebengood. I understand there was one instance testified to yesterday by Mr. Segretti and alluded to this morning, where the source of the materials you distributed did not originate with you or Mr. Segretti?

Mr. Kelly. Yes, sir, there was an occasion of that.

Mr. Liebengood. I am referring to the flier regarding Senator McGovern's "real record on the war."

Mr. Kelly. Yes, sir.

Mr. Liebengood. Ostensibly prepared by Students for Honesty in Government. Would you describe in some detail, how you came into

possession of that document?

Mr. Kelly. Yes, sir. The University of Miami is where I got the document. The Democratic organization on campus was divided into several groups that were for different candidates—Democratic Presidential candidates. The group that had the Muskie table set up had this information on the table. That is where I got it from.

Mr. Liebengoon. And the Students for Honesty in Government, was that a name that you put on the pamphlet, or was that a name that

 ${
m was}$  on there ?

Mr. Kelly. No, sir. That was a name that was on there. My guess is that the Muskie organization didn't want to have their tag on it, but nevertheless, it was on their table. It may not have been printed by them, but they were distributing it. It more or less went into contradictions of Senator McGovern's voting record and what he had been saying, as I recall.

Mr. Liebengood. Did you ever take part in infiltrating any

campaign?

Mr. Kelly, No.

Mr. Liebengood. Did you ever take part in any act of violence in the campaign?

Mr. Kelly. No, sir.

Mr. Liebengood. Did you know whether or not any of your political pranks that you have described resulted in violence?

Mr. Kelly. Not in violence, no.

Mr. LIEBENGOOD. You testified this morning that on March 14, the day of the Florida primary, you sent pizzas and flowers to headquarters?

Mr. Kelly. Yes, sir.

Mr. Liebengood. Previously you had used stinkbombs?

Mr. Kelly. Yes, sir.

Mr. Liebengood. Do you seriously think that any of these activities had any impact on the outcome of the Florida primary?

Mr. Kelly, Yes.

Mr. Liebengood. In what way?

Mr. Kelly. Well, on the Florida primary itself, possibly not. It certainly had an effect on the candidate. It certainly did not help Senator Muskie.

Mr. Liebengood. My understanding is that it was not your intent or purpose to influence the public vote by your activities?

Mr. Kelly. That is right.

Mr. Liebengood. But rather to create agitation among the respec-

tive Democratic candidates, is that correct?

Mr. Kelly. That is true. Indirectly, this could be attributed to having some effect on the vote, very slightly, only the fact if the candidate gets irritated, it gets him to become less than casual before a group, and I was referring to in New Hampshire where Senator Muskie was crying in the Boston Globe.

Mr. Liebengood. There is also an indication that you promoted certain demonstrations. Is it your impression that these demonstrations also had some effect on the vote as well as agitate the candidate, not necessarily your demonstrations but demonstrations in general?

Mr. Kelly. I am not convinced they had a direct effect on the vote so far as the demonstrations are concerned. They are kind of commonplace now, especially during Presidential election times. But the purpose of it was, if Senator Muskie or another candidate was speaking somewhere, signs would be placed in a position where the press could pick them up, it reduces more or less the pedestal effect of the candidate standing there by himself without any indication of other candidates around. When you have posters around of the other candidates, he looks more like one of them, it is sort of a psychological thing.

Mr. Liebengood. What were your misgivings at the time you took

part in these activities?

Mr. Kelly. My misgivings? Well, it would be nice to say I was regretting it. I was not jumping for joy about it. I am not sure I realized exactly what I was doing when I was doing it, especially when the investigating started. I was scared more than anything else, and after that, why, I practically became immune to the pressure of the investigators, the press calling constantly. I had more time to reflect about this, what the heck I was doing, and I really cannot say that at the time I regretted it. Otherwise, I imagine I would not have been doing it.

Mr. Liebengood. At the time you were conducting these activities, did you feel you were participating in a type of activity that was part and parcel of the American political system?

Mr. Kelly, No.

Mr. Liebengood. You did not feel that way then?

Mr. Kelly. I did not feel that it was part and parcel of the American system. No. I realized what I was involved in was of a much deeper scope for lack of a better term, "sabotage," than possibly had been done earlier, I had no personal knowledge of that, but I can only say from what I had seen in other campaigns and previous activities I had taken part in that the pranks and the silly things that are done were not to this, were not of this scope. That is the only way I can really place it. I cannot put it in that category.

Mr. Liebengood. I trust you feel the same way today if not more so.

There is no place in the system for this type activity?

Mr. Kelly. Absolutely not.

Mr. Liebengood. Thank you, Mr. Kelly.

Mr. Chairman, thank you.

Senator Ervin. Senator Inouye.

Senator Inouye. Mr. Kelly, in Washington this morning I cannot help but get the impression that you are rather pleased and proud at your apparent success in political sabotage. Am I correct in that, sir?

Mr. Kelly. Your conclusion is very ridiculous. Possibly I am giving a demeanor of confidence, or probably I act like I am happy with it; that is not the case. I very much regret it. I feel—the damage, the personal damage and the mental misgivings are secondary to the guilt I feel for the Senators and people whom I have hurt personally.

Senator Inouye. When did you begin to feel this regret, sir?

Mr. Kelly. I began feeling the regrets when I started realizing, not necessarily when I was caught or was brought into it, I started feeling this, I suppose about the time I stopped doing it, August, September, October, November. It was something that when I had time to-when I was not doing it I had time to stop and think about it a little bit. I attributed it to being politically immature, I guess I envisioned too many things, too much of it bad; I guess I was overly ambitious and frankly, I was expecting to have high contact, I was not sure exactly who I was working with, but I had an idea it was maybe the White House or the reelection committee and my ideas of short-term success I am afraid, were very unfortunate. If we had gotten away with it, Senator, and we had not been caught I assure you, Senator, I would feel at least as guilty.

Senator INOUYE. I gather from your responses this morning that you were not aware of Mr. Segretti's real identity until after the election?

Mr. Kelly. Yes, sir. I did not find out what his real identity was

until I read it in the newspaper.

Senator INOUYE. And yet you were willing to follow his advice and involve yourself in criminal activity from someone unknown to you?

Mr. Kelly. Well, he was not necessarily using me. I kind of felt of myself—as possibly not maybe a tool of using me. I was thinking of after the election maybe a job in Washington. I am not rationalizing any of my actions at all. You know, any shame or abuse that can be heaped on me is certainly well deserved but it is not something that is going to make any difference. I feel as guilty now as I did 2 weeks after or I will 2 weeks from now.

Senator Inouye. Were you ever concerned about the legality of your

activities?

Mr. Kelly. Yes, sir.

Senator Inouge. And still you persisted?

Mr. Kelly. Yes, sir. It began with pranks, it started getting more and more intense. I was aware that some of the things I was doing were not legal. I would be lying if I told you otherwise, I knew some of them were illegal. I kind of just—it was just like I was weaving my own spiderweb, I could not get out of it. I was in a hole too deep. It is easy now for me to look back and say, "Gosh, why didn't I just say forget it, don't bother me any more," but as I said earlier, I can only attribute it to being immature, to being overly ambitious, and I have asked myself a thousand times why did I do it.

Senator Inouye. As a once promising young political leader, looking back in retrospect, I would like to list several of your activities and if you would be so kind as to tell this committee whether you considered these activities unethical, immoral or illegal. False advertising.

Mr. Kelly. Illegal. Unethical. You can say all three of them to that. Senator INOUYE. Distribution of misleading literature without iden-

tifying the source.

Mr. Kelly. Or identifying an incorrect source you could add, I would say all three again.

Senator Inouve. Fake invitations to nonexisting events.

Mr. Kelly. The same.

Senator Inouve. Fake press releases.

Mr. Kelly. The same.

Senator Inouge. False and untrue letters designed to injure the candidate of the opposition party.

Mr. Kelly. The same.

Senator INOUYE. Stinkbombs.

Mr. Kelly. Foolish, the same thing.

Senator INOUYE. Forcibly entering into a headquarters.

Mr. Kelly. I did not do that.

Mr. Beck. Senator, what are you referring to in that regard? Senator Inough. Mr. Segretti suggested that they forcibly opened a window to drop a stinkbomb.

Mr. Kelly. I did not do that.

Mr. Beck. I do not believe Mr. Kelly was involved in that at all.

Senator Inouge. I am sorry. Ordering material supplies, food, beverages, limousines in behalf of an opposition candidate with no intention to pay for this.

Mr. Kelly. The same.

Senator Inouye. Inviting ambassadors of foreign countries.

Mr. Kelly. The same.

Senator Inouve. Do you believe there is something inherently wrong in engaging in activities for which the real perpetrator seeks to avoid responsibility?

Mr. Kelly. Yes.

Senator Inouye. Is there something wrong which interferes with each party not being able to select freely their best candidates?

Mr. Kelly. Yes, sir; I believe that is true.

Senator INOUYÉ. Is it now your conclusion that the people of Florida were not given the right to freely select their best candidates?

Mr. Kelly. I think that is kind of a sweeping generality to say that most people were not because of my activities. I think most people

were very much unaware of the activities that were taking place. The candidates themselves were; there were not that many votes affected. However, I agree with you that even if one person was affected by it adversely, that it was wrong. They should have had a free choice of decision.

Senator Inouye. I thank you very much, sir.

Mr. Kelly. Yes, sir.

Senator Ervin. Senator Gurney.

Senator Gurney. Mr. Kelly, let's go to this distribution of literature which you made. I know here in the witness summary item 2 is distribution of misleading literature. Would you give us an idea of how much literature you distributed down in Florida? State some examples.

Mr. Kelly. OK.

Senator Gurney. What I am trying to find out is whether this—I don't know how to characterize this operation. I think I used the word "rinky-dink" yesterday and I think that is really what it was. What I am trying to find out is, really, did it have any effect upon this election. So what kind of distribution did you make?

this election. So what kind of distribution did you make?

Mr. Kelly. Well, Senator Gurney, before I answer that specific question, I want you to understand that the literature that was distributed wasn't necessarily distributed to influence the amount of votes in an election. The person receiving it wasn't—even if 50 of these

were passed out, 50 are not going to affect the election.

Senator Gurney. I agree.

Mr. Kelly. What we were doing was that we were expecting at least 1 of those 50 to be enraged enough to show that to the candidate—for the candidate to become upset about it. If it was blamed on another candidate in the primary election to cause discord, malcontent, and it wasn't necessarily a direct effect on the vote; it was the effect on the candidate that we were interested in.

Senator Gurney. I might comment on that. I think every one of the 100 Senators who serve in the United States has had all kinds of dirty tricks played on him in the course of political campaigns and we expect it. I am not so sure how much it upsets us. I could give you examples in my own campaign, that are far more horrendous than some of these here, that worked against me—that you don't really pay

much attention to it because you expect some of these things.

But anyway, how much distribution did you make and, incidentally, I am not minimizing this dirty-trick business. I loathe it, but it is a part of politics, and it is a part of both sides of politics, all of us in politics know and expect some of these things by some of the fringe elements. I hope our deliberations here perhaps will produce legislation and laws that will be better able to control this. But back again; what about the distribution now? Give us some examples of how widespread you distributed some of these things.

Mr. Kelly. All right; I will give you some examples. At the University of Miami, there was a flier put out around campus, former Secretary of the Interior Udall was supposed to speak in behalf of, I believe, the Young Democrats on campus. They decided to cancel his engagement there because they felt he was, maybe, less than an effective speaker. We found out about it. We put up fliers all over campus announcing the time and place they had previously set and canceled Secretary Udall's speech, so they had to put him back on the schedule,

I understand, and also from what I understand, it didn't go over very well—the speech.

Senator Gurney. Who was he speaking for?

Mr. Kelly. He was being hosted by the Young Democrats, speaking to the student body.

Senator Gurney. I mean, was he speaking in behalf of one of the

candidates?

Mr. Kelly. Yes, sir; I believe he was speaking in behalf of Senator Muskie.

Senator Gurney. So in this event you might have helped Senator Muskie by making sure that Secretary Udall appeared, is that right?

Mr. Krayer Well if Lam to believe the reports from Muskie's staff.

Mr. Kelly. Well, if I am to believe the reports from Muskie's staff,

he was not that effective a speaker, and I am not sure.

Senator Gurney. Give us some other examples.

Mr. Kelly. There were some leaflets passed out in Miami Beach that were—I am not completely clear on it; I think they were supposedly to be from Lindsay knocking Muskie's stance or Humphrey's, I am not sure which, on his stance for Israel—how he feels that Israel should be treated the same way as Cuba, our relations with Cuba. These were passed out and put under the windshield wipers of cars parked at the synagogues.

Senator GURNEY. How many?

Mr. Kelly. Maybe 100 or 200. These were fliers—excuse me.

Senator Gurney. Do you think this had much effect on the election? Mr. Kelly. Well, again, sir, I can't, of course, put a statistic on what it did in terms of votes. I am sure it is very small. But again I refer that the purpose was not to affect votes in the Florida primary. It was to cause malcontent, discomfort among the candidates, to get them

backbiting and to feel that they were sabotaging each other.

Senator Gurney. I noticed you mentioned that some of your work, you thought, may have hurt Senator Muskie; but I see here one of the fake press releases said that Hubert Humphrey had not supported his military assistance for Israel as Senator Muskie. Now I know something about Florida politics; if that went out, that would do nothing except help Senator Muskie vis-a-vis Senator Humphrey, because that was the one big issue, of course, among the Jewish population in Dade County, which is as well today.

Mr. Kelly. I can't recall exactly what you mean by that. I can assure you if we put it out it was not for the benefit of Senator Muskie.

Senator Gurney. I see there is one notation here that you helped distribute the reprint of a Newsweek article about Mrs. Muskie.

Mr. Kelly. Yes, sir.

Senator Gurner. I won't go into the article; it is here in the exhibits; but I will summarize it by saying it was a pretty good hatchet job on Mrs. Muskie, wasn't it?

Mr. Kelly. Yes, sir, and it was written by Newsweek. Senator Gurney. How many of those did you put out?

Mr. Kelly. Well, they were reprinted—they were passed out, I believe, at Senator Muskie's picnic he had there, the same which we had the stinkbomb, for lack of a better phrase.

Senator Gurney. How many would you say?

Mr. Kelly. A couple of hundred.

Senator Gurney. Well, I might point out that Newsweek, which is owned by the Washington Post, has a circuation of 2,725,000. I think

they probably did a much better job than you did—doing a hatchet job on Mrs. Muskie.

Mr. Kelly. Well, that would have been worked in tandem, as a complementary thing to what we were doing.

Senator Gurney. I must say I read it and I don't think much of it

either. I don't know why they printed it.

You worked in Florida exclusively, except for the trip to Washington; is that right?

Mr. Kelly. Yes, sir.

Senator Gurney. Did any people work with you?

Mr. Kelly. All the people that I would hire; I refrained from using friends or political associates for the reason that I wasn't overly proud of what I was doing even though I did not quit; I wanted to keep it a secret; my parents didn't even know about it and I was living at home. If I was to be caught, they would be dragged into it also.

Senator Gurney. How many were engaged in your operation; how

many people did you hire to help you?

Mr. Kelly. Well, I never had full time. At different times, I would say, 20.

Senator Gurney. These were the people, I suppose, who handed out leaflets and things like that?

Mr. Kelly. Yes, sir. I would say between 20 and 30.

Senator Gurney. You are familiar, probably, with the political campaign, as a whole, in Florida, are you not? I mean you had some idea of what went on because of your interest in politics?

Mr. Kelly. Yes, sir.

Senator Gurney. Isn't it true that there were thousands of young people in Florida on the Republican side and also on the Democrat side, for that matter, who were working hard in legitimate ways for the reelection of President Nixon and also the candidacy of Senator McGovern? Isn't that a fact?

Mr. Kelly. There were indeed, sir.

Senator Gurney. Thank you very much.

Senator Ervin. You say that you didn't intend to influence votes? Mr. Kelly. Well, if that happened also, we didn't try to stop it. If some votes were influenced, that is fine, too; but that wasn't the main purpose.

Senator Ervin. Now the truth is that Mr. Segretti told you that the polls showed that Senator Muskie was running ahead of President

Kennedy, didn't he?

Mr. Kelly. President Kennedy?

Senator Ervin. I mean President Nixon.

Mr. Kelly. I don't believe so; no.

Senator Ervin. Well, he told you that the polls showed that Muskie was the Democrat who had the best chance to beat President Nixon.

Mr. Kelly. Yes, sir.

Senator Ervin. And, therefore, it was the policy of those in charge of the campaign to try to knock out Muskie as the candidate?

Mr. Kelly. Yes, sir. Senator Ervin. Yes.

And there is a presumption of law and a presumption of commonsense and a presumption of logic that a man is presumed to intend the natural consequence of his acts.

You put in a radio advertisement on the Miami radio?

Mr. Kelly. Yes, sir.

Senator Ervin. What size city is Miami?

Mr. Kelly. Well, the city itself, I suppose, has a million people.

Senator Ervin. Yes.

And thousands and thousands of them are Cubans, are of Cuban ancestry, aren't they?

Mr. Kelly. Yes, sir.

Senator Ervin. And many of those Cubans had become naturalized American citizens who were eligible to vote in the primary?

Mr. Kelly. Yes, sir.

Senator Ervin. How often did you run this radio advertisement in which you stated that Muskie was in favor of Castro?

Mr. Kelly. I think it was run one or two times.

Senator Ervin. And you can't tell us how many of the hundreds of thousands of people, a million people, in the Miami area heard that, can vou?

Mr. Kelly. How many Cubans did you say?

Senator Ervin. No, people.

Mr. Kelly. People. Senator Ervin. Yes.

Mr. Kelly. Not many outside of the Cubans because it is a Spanish radio station.

Senator Ervin. Well, Castro and Cuban communism was one of the most unpopular men and one of the most unpopular issues in Florida, wasn't it ?

Mr. Kelly. Yes, sir.

Senator Ervin. And you tell me you didn't intend to influence any Cubans, voting Cubans, or their sympathizers in having this radio broadcast the false statement that Muskie was in favor of recognizing

Castro and Communist Cuba?

Mr. Kelly. No, sir, I didn't say that. I said that wasn't the main purpose. I said, yes, that is fine; and I said an overwhelming majority of Cubans are not Democrats. They could not vote in the Democratic primary. I would say about 80 percent are Republicans so it wasn't necessarily to influence votes in the Democratic primary. It was to get the Cubans upset at Muskie.

Senator Ervin. I have found out in many States that many people register in the name of a party. Have you ever examined the registration books to show how many thousands of Cubans were registered to

vote in the Democratic primary?

Mr. Kelly. Yes, sir.

Senator Ervin. How many?

Mr. Kelly. I believe in the Democratic primary—let me see if I can put the exact number on it—I think it was 14,000; I am not exactly sure. I think 25,000 or 30,000 Republicans.

Senator Ervin. All of them have sympathizers, don't they?

Mr. Kelly. Have sympathizers?

Senator Ervin. Yes; people who sympathize with their plight and strongly opposed to the recognition of Castro.

Mr. Kelly. Yes, sir.
Senator Ervin. Yes. Well, that is what you did for the Cubans.

Now, you know that there has been a great deal of controversy, and one of the most sensitive issues in the State of Florida for several

years has been the involuntary busing of schoolchildren to integrate schools?

Mr. Kelly. Yes, sir.

Senator Ervin. And you knew that a large part of the white population of Florida was opposed to busing?

Mr. Kelly. Yes, sir.

Senator Ervin. So you falsely pictured that Muskie wanted to have more busing instead of less, didn't you?

Mr. Kelly. Yes, sir.

Senator Ervin. And don't you think that that had a natural tendency to affect Muskie's chances among people who were opposed to busing?

Mr. Kelly. Well, it certainly didn't help his chances, but I would venture to say the other Democrats running didn't have much of a

different stance, except for Wallace.

Senator Ervin. But you didn't advertise them, did you, unpleas-

antly-just Muskie?

Mr. Kelly. I think we did. I think Senator McGovern in another part of the State was advertised for doing that.

Senator Ervin. That is what you did for the white population.

Mr. Kelly. OK.

Senator Ervin. Then Miami has a tremendous Jewish population, doesn't it?

Mr. Kelly. Yes, sir.

Senator Ervin. One of the largest Jewish populations of any city in this country, doesn't it?

Mr. Kelly. Yes, sir.

Senator Ervin. And you put advertisements in the newspapers in Miami that—or rather you distributed what you called a yellow flag under the false pretense it had been written by another Democratic candidate, Lindsay, in which he charged that Muskie was opposed to the aims of Israel, didn't you?

Mr. Kelly. Yes, sir.

Senator Ervin. So we have from your own admission that you were aiming at Cuban voters, you were aiming at the white voters, you were aiming at the Jewish voters to influence them against Muskie.

Now, you also engaged in lying advertisements to influence the

black vote, didn't you?

Mr. Kelly. What was that again, sir?

Senator Ervin. You also entered into—you made advertisements to influence the black vote in Florida, which is considerable, isn't it?

Mr. Kelly. I am not sure exactly.

Senator Ervin. Didn't you distribute as far as you could, and you had the assistance of 20 other people doing it, the statement that Muskie thought the time had not come to have a black candidate for vice president?

Mr. Kelly [conferring with counsel]. I think that was in Tampa. Mr. Beck. Senator, I think you are confusing Mr. Benz' activities with Mr. Kelly.

Mr. Kelly. That may have been done, I may have done that, I don't recall it.

Senator Ervin. Well, Mr. Benz was operating in conjunction with you and Mr. Segretti, wasn't he?

Mr. Kelly. Unbeknownst to me; yes, sir.

Senator Ervin. Yes; and then you got after the liberals, to influence them against Muskie by stimulating this document [exhibit No. 158\*] which has been offered in evidence called Citizens for a Liberal Alternative.

Mr. Kelly. I don't-I am not positive that I was involved with

that either. That is very unclear. I think I mentioned to Mr.-

Senator Ervin. Well, are you positive or not?

Mr. Kelly. No, sir, I am not positive.

Senator Ervin. A synopsis made by the staff allegedly on the basis of your information to them states, as I understand it, that you did distribute that document.

Mr. Lenzner. Senator, we went over that last night and Mr. Kelly was not sure that he—I think the document was familiar to him but he couldn't recall whether he had distributed that document or not.

Senator Ervin. Then you tried to appeal to the conservative, staid people of Florida to be against Muskie by hiring a naked woman to run in front of his headquarters yelling, "I love Muskie," didn't vou?

Mr. Kelly. Yes, sir, that is true.

Senator Ervin. Well, I have heard a lot in this investigation about coverup activities and I think that might be one.

And then you not only made attacks on Muskie but you deliberately distributed the hatchet job which Newsweek had done on Muskie.

Mr. Kelly. Yes, sir.

Senator Ervin. And you still state on your oath that you didn't do any of these things for the purpose of influencing votes of anybody?

Mr. Kelly. I can easily illustrate that to you again if you would

like. You are talking about influencing the Jewish vote—we might

have passed out 50 of them.

Do you realize how many Jewish voters there are in Miami Beach? You are referring to the Cuban vote, a small percentage of which voted in the Democratic primary. As far as the white people on the busing issue, I think if you will look back, the candidates themselves were, especially Wallace, was using that issue for more than we were referring to the busing stand. I am not denying some votes may have been influenced very directly but, Senator Ervin, the purpose, almost the complete purpose, of this was for when you pass out 40 or 50 or 100 flyers in a Jewish—Miami Beach where there are thousands of Jewish voters, you are not intended to sway 50 or 100 or 200 votes, you are trying to get that back to the candidates, have them irate about it, have the candidate become upset, to take action maybe back to the other candidate, do something, but its inherent purpose is to upset the candidates and to try to cause divisiveness.

Senator Ervin. You sure did that, did you not?

Mr. Kelly. Yes, sir.

Senator Ervin. As a result of activities on your part and others in the Florida primary, the front running Democrat, Senator Muskie, was knocked out. His candidacy was virtually destroyed, was it not?

Mr. Kelly. I would not say solely from this. I would certainly say it

helped.

Senator Ervin. Well, you contributed to that.

<sup>\*</sup>See Book 10, p. 4055.

Mr. Kelly. Yes, sir.

Senator Ervin. And Mr. Segretti contributed to it and Mr. Benz contributed to it?

Mr. Kelly. Yes, sir.

Senator Ervin. And you received money which came ultimately from the President's personal attorney for your activities, did you not?

Mr. Kelly. Yes, sir.

Senator Ervin. Now, do you go to college?

Mr. Kelly. No, sir, not now.

Senator Ervin. Well, have you gone to college?

Mr. Kelly. Yes, sir.

Senator Ervin. Did you ever read Shakespeare?

Mr. Kelly. Not as thoroughly as some, sir.

Senator Ervin. Well, did you ever come to this passage in Shakespeare:

Good name in man and woman, dear Lord, is the immediate juror of their souls:

Who steals my purse steals trash; Tis something, nothing.

Twas mine,

Tis his, and has been a slave to thousands.

But he that filches from me my good name.

Robs me of that which not enriches him and makes poor indeed.

Now, do you not think that you engaged in activities which were calculated to rob Senator Muskie and Mrs. Muskie and others of their good names among the voters of Florida?

Mr. Kelly. Yes, sir.

I might add that I am not here, sir, defending my position. I do not have a position to defend. I regret very much what was done. I simply tried to explain to you what our purpose was.

Senator Ervin. And in addition to spreading false statements, making false advertisements, you also disseminated forged press releases

on the letterhead of Muskie's campaign committee?

Mr. Kelly. I never signed anything, but there were attacks, Senator.

Senator Ervin. But you distributed them?

Mr. Kelly. No, sir, I never distributed anything with a forged name.

Senator Ervin. I did not say that. I said a forged paper.

Mr. Kelly. Yes, sir.

Senator Ervin. And you consider this—I started to say—rises above, but I will say descends below the pranks level?

Mr. Kelly. I feel that way without a question.

May I add one thing? I mentioned to Mr. Lenzner that, of course, it is easy when you are before a committee or you are interrogated by a grand jury to say, "Gosh, I am sorry I did it, I really feel regretful." I know you do not expect someone up here to say, "I did it, great, I will do it again." I understand that. You cannot completely convince somebody that you do feel guilty or bad about these things. It is 2 years ago, but I still feel very bad. I told Mr. Lenzner that I would very much like to, since I have firsthand knowledge, I was participating in these acts, that I would like to write to him, a report of what I feel could be done to legislate, to possibly make pranks misdemeanors or punishable by law. I will do that.

Senator Ervin. There is another poet that says:

The moving finger writes, And having writ moves on, Nor all your piety nor wit, Shall lure it back to cancel a single line; Nor all your tears Wash out a word of it.

which I think is very unfortunate.

But I would like to know why you did it because you knew it was wrong. You look like a person who has had a good opportunity in

life and come from a good home.

Mr. Kelly. I appreciate that, sir. As to why I did it, I have asked myself that question a thousand times. I regret it. It was stupid. As I said, I was overly ambitious. I expected temporary success and as I said, even if I had—I could not have had a conscience if I did not feel guilty. Even if I were sitting up here in a different position. I will always look back, realize how I got it, who I was working with. If I could continue on under those circumstances, then I would not deserve to be on earth.

Senator Ervin. Well, I will have to pay you the compliment of saying that you are entitled to the blessings of the scripture, where it says, "Blessed is he who sweareth to his own word and changeth it not." You have been very frank with the committee and you are to be

commended in that.

Mr. Kelly. Thank you, sir. Senator Ervin. Senator Weicker.

Senator Weicker. I have no questions, Mr. Chairman. I think that Mr. Kelly's statement, that you know that it is easy to say I am sorry when you are before a committee or a grand jury—it is not easy. I do not think it has been easy for you. And quite frankly, not everybody who has appeared before this committee, or those who have not appeared before this committee, have said, I am sorry. Some of them actually have tried to sell it as legitimate or justified by the fact that these things were done in the past. I find neither of those attitudes on your part and I just want to commend you for your very frank statement.

Mr. Kelly. I appreciate that. Senator Ervin. Senator Montoya.

Senator Montoya. Mr. Kelly, would you please go into a little more detail as to what motivated you to go into this kind of activity and to do the very things that you did and about which you have testified?

Mr. Kelly. Well, sir, at the outset—if I knew what the scope was at the outset, I am sure I would have been frightened away and I would not have wanted it to take place. It became more and more apparent to me as I worked with Mr. Segretti that he had access to a lot of money. I perceived, although he never told me, that he was probably working with people in the administration; I guessed the White House or the Committee To Re-Elect the President.

My political outlook was, frankly, immature in that I was expecting, you know, something for—not nothing in this case, something pretty bad. I realized when I first got into it that it was wrong. I was not sure that it was going to be the scope that it was. It just got to a point where a little bit more was done, and a little bit more was done, things that were fringing around the law—pranks; putting other candidates' bumper stickers on other candidates' posters that were up,

instead of tearing them down; stinkbombs, things of this sort. Some of them were frankly comical; at the time—I thought some of them were comical. Some of them I enjoyed. Most of them I did not.

Senator Montoya. But you realized right along that they were bad?

Mr. Kelly. Yes, sir; I knew it was a dirty campaign.

Senator Montoya. And you kept trying to make them worse?

Mr. Kelly. Well, I do not think it was a level, like each one was worse than the other. There were different things done at different times. I do know that later on, the more illegal things that were done—for instance, the Washington-Hilton affair, Senator Muskie's fundraising dinner, that was in April. That was one of the last things that was done. I am convinced that I would not have done that in the beginning. If I had just come into it, I am sure I would not have done it. But it was a gradual thing. I am not sure that if it came to the point where he asked me to kill somebody—this is hypothetical—anything of that sort, I would do it. I would not have done it. I would never have injured anybody. I was not asked to. But it did get to an extreme where it was the personal damaging of people and their political career, possibly.

Senator Montoya. I notice that toward the last, you were planning on parading a nude woman past Muskie headquarters and she was sup-

posed to shout, "Muskie, I love you."

Mr. Kelly. Well, that is not exactly the case. What that was, is there was a girl that was hungry for money. She needed some money, so I told her—I didn't know her. She was going to Gainesville, where the University of Florida is. I was told Senator Muskie was there. I gave her \$20, \$10, I don't remember how much, and asked her if I gave this to her if she would be willing to take off her clothes and run in front of his hotel, screaming, "I love you"—which she did, unfortunately.

But she did.

Senator Montoya. You must have known her very well.

Mr. Kelly. Again unfortunately, no.

Senator Montoya. How did you have so much confidence to ask her to do this?

Mr. Kelly. Well, it was more of a money thing as far as she was concerned. I certainly wouldn't approach somebody off—I shouldn't say off the street—off campus and offer to pay them \$20 to strip and run in front of somebody's hotel, particularly around there. So I was very surprised that she would do this. I didn't expect it to happen, but it was just something that did happen.

Senator Montoya. Now, did you also send some letters out to some

of the headquarters without stamps?

Mr. Kelly. No, sir.

Senator Montoya. Do you know of any of the others who did?

Mr. Kelly. Well, as far as others are concerned, I knew of no one else involved with Mr. Segretti. I know that I personally would not do anything of that sort.

Senator Montoya. Were you aware of any pranks practiced by the

Democratic candidates or their people?

Mr. Kelly. Nothing out of the ordinary. They were ripping down each others signs, which is something that in practically every campaign that has ever taken place has happened, whether the candidate does them or not.

Senator Montoya. Anything as serious as what you were doing?

Mr. Kelly. No. sir.

Senator Montoya. Don't you feel that because of what you did, you have really lost your dignity and decency as a man?

Mr. Kelly. No. If I didn't regret it, I feel I would. I am not ready to

shoot myself, if that is what you mean.

Senator Montoya. Do you think that regret restores a man's dignity and decency?

Mr. Kelly. I think it is a start.

Senator Montoya. Well, then, you are starting on it.

Mr. Kelly. Well, sir, I am trying.

Senator Montoya. Now, did you feel at any time since speaking to Mr. Segretti about this, planning and so forth, that you were representing either the Committee To Re-Elect the President or the people in the White House or both?

Mr. Kelly. Did you ask me if I felt that?

Senator Montoya. Yes.

Mr. Kelly. Yes, sir; I felt that.

Senator Montoya. Did Mr. Segretti indicate to you in any way that you were really working for these people?

Mr. Kelly. No, sir; he never did.

Senator Montoya. What made you have this feeling of participa-

tion with these people? There must have been some indication.

Mr. Kelly. Well, the indication was I knew that Mr. Segretti's activities were of a wide nature. I knew that he was going to other States. He showed me some of the literature that was used in different places, that perhaps I would recognize but didn't use myself. I knew his expenses must be quite high to be flying around the country this much. I just couldn't think of any other source, financial source, that could possibly be operating at that time. When I would refer to whether he was working for the White House or the Committee To Re-Elect the President, he would just say, "I don't know, I will explain after the election."

I did know he had extensive activities, but I was not aware of who he was talking with. It was just my feeling. He never gave me an indication that that was the case. Plus the fact that I suspected Mr. Devant—this was never clear, still—I guess it is now—that it was Mr. Devant he had been in contact with. I knew he was an advance man for President Nixon in 1968, so there was a correlation there.

Senator Montoya. When you came to Washington, did you visit the

White House?

Mr. Kelly. No, sir.

Senator Montoya. Were you in touch with anyone working at the White House?

Mr. Kelly. No, sir.

Senator Montoya. During the Washington trip?

Mr. Kelly. No, sir.

Senator Montoya. Who else were you in touch with besides Mr. Segretti at that time?

Mr. Kelly. Nobody.

Senator Montoya. That is all, Mr. Chairman. Thank you. Senator Ervin. Senator Muskie—I mean Senator Gurney.

Seantor Gurney. Mr. Chairman, now that you have mentioned Senator Muskie, I would like to go back and clear up a point a little bit.

Senator Ervin. I tell you, I have been talking about him so much with the witness.

Senator Gurney. Do you agree, Mr. Kelly, with most political analysts that perhaps one thing that hurt Senator Muskie more than anything else is his emotional outburst in the New Hampshire primary?

Mr. Kelly. I do.

Senator Gurney. It is easily understandable why that happened. He is a proud and sensitive man as well as a fine Senator. And, of course, that was precipitated by the Newsweek article, was it not?

Mr. Kelly. Yes, sir.

Senator Gurney. The New Hampshire primary occurred, did it not,

before the Florida primary?

Mr. Kelly. Yes, sir. I think there was an article in the Boston Globe he was upset about, not simply the Newsweek article. And that was—

Senator Gurney. In any event, it did involve a hatchet job on Mrs.

 ${f Muskie}\, ?$ 

Mr. Kelly. Yes, sir.

Senator Gurney. A very fine, wonderful woman that the Senator has every right to be proud of. That is really what precipitated the emotional outburst in New Hampshire, is that not correct?

Mr. Kelly. Yes, sir.

Senator Gurney. And this occurred, as I said, before the distribution of these few reprints of the Newsweek article you and your people

made in Miami, Fla., is that right?

Mr. Kelly. Yes, sir. There were activities, understand, going on before—I am not sure if anything was done in New Hampshire or not. I am not completely sure there was anything done before that at all in terms of sabotage. But I would agree with you that it was the attack

on Mrs. Muskie that brought on his crying.

Senator Gurney. Do not misunderstand my questions. I in no way approve of what you and your people were doing in Florida. I think this is a great injustice to the political system that we could do without completely, and politics and Government would be much farther ahead. But I do like to try to bring the true picture and the facts. Do you really feel that your activity really had any weight at all in deciding how people were going to vote in the State of Florida in the Democratic primary?

Mr. Kelly. Possibly not in the State of Florida. I think it would

have had some effect as to postconvention attitudes.

Senator Gurney. I am talking about the Florida primary.

Mr. Kelly. The Florida primary?

No, sir; I do not think there was a marked effect as to the direct vote.

Senator Gurney. That is all.

Senator Ervin. Senator Inouye.

Senator Inouye. No questions, sir.

Senator Ervin. Well, you do not think that the publication of the socalled Canuck letter in New Hampshire and the activities of Donald Segretti and yourself in Florida were calculated to make Senator Muskie or any other man have a sweet disposition, do you?

Mr. Kelly. No, sir; I certainly would not.

Senator Ervin. In fact, they were intended to have exactly the opposite effect, were they not?

Mr. Kelly. That was the intention; yes, sir.

Senator Ervin. Mr. Lenzner.

Mr. Lenzner. Just one or two questions.

Mr. Kelly, with reference to that New Hampshire incident involving Senator Muskie, did you make reference to that in some of the literature you handed out?

Mr. Kelly. Yes, sir.

Mr. Lenzner. Could you just describe what that was to the committee?

Mr. Kelly. Yes sir; I believe it was referred to in one of the fliers. I think it was the lunch flier, the bogus lunch that was supposed to be held by Senator Muskie. I think it referred, something to the effect, come and hear Senator Muskie explain why he broke down in New

Hampshire. That was included on one of the fliers.

Mr. Lenzner. I take it that you favor legislation in this area, and I would appreciate receiving, as I know the committee would, your ideas in this area. Would you also take into consideration when you write that, if you could, what the possible impact or effect might be if you multiplied your activities throughout the State, with other people doing similar things, and multiply those kinds of statewide activities in other primary States? If you would also give us your judgment on that, I think we would appreciate it.

Mr. Kelly. I will, thank you, sir.

Mr. LENZNER. That is all, Mr. Chairman.

Senator Ervin. My experience in politics has been, and I have been in it a long time, that one man can tell a lie about a candidate one day and then it is all over the community the next day. So I don't accept your theory that because you just put on two radio advertisements about Muskie's attitude toward Castro that the repercussions of that stopped when you took the thing off.

Mr. Kelly. No, sir; to repeat myself, there were, I am sure, some

effects of that. But that was not the direct purpose.

Senator Ervin. In other words, it is just like throwing a rock into a pond. The waves just keep going until they reach out to the shores. Nothing seems to spread as fast as false rumors and false charges.

Mr. Liebengood.

Mr. Liebengood. I have no questions, Mr. Chairman.

Senator Ervin. The committee will stand in recess until 2 o'clock. [Whereupon, at 11:50 a.m., the committee recessed, to reconvene at

[Whereupon, at 11:50 a.m., the committee recessed, to reconvene at 2 p.m., the same day.]

#### AFTERNOON SESSION, THURSDAY, OCTOBER 4, 1973

Senator Ervin. The committee will come to order. Before the next witness is called I will read for the record this memorandum addressed to me by Phillip K. Beck, counsel for Martin Douglas Kelly, dated October 4, 1973. At Mr. Beck's request.

The morning session was adjourned before I had an opportunity to state on the record my client's and my appreciation for the excellent cooperation of the committee's staff counsel, particularly Mr. Terry Lenzner and Mr. Marc Lackritz. They conducted themselves in an exemplary fashion both professionally and as

gentlemen. This committee is fortunate to have men of their caliber assisting them.

Please enter this into the record.

Respectfully submitted.

PHILLIP K. BECK. Counsel for Martin Douglas Kelly.

Counsel will call the next witness.

Mr. Dash. Mr. Robert Benz.

Senator Ervin. Mr. Benz, will you stand up and raise you right hand?

Do you solemnly swear that the evidence that you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Benz. Yes, sir. Mr. Dash. Mr. Chairman, Mr. Terry Lenzner, assistant chief counsel, will question the witness.

Mr. Lenzner. Thank you.

Mr. Benz, you are accompanied by counsel. Will counsel identify himself, please?

Mr. McLaughlin. Delbert L. McLaughlin.

Mr. Dash. Mr. Chairman, we might note for the record Mr. Benz

has been granted immunity pursuant to a court order.

Senator Ervin. Let the record show as a result of the unanimous request of the committee, Judge John J. Sirica, chief judge of the United States District Court for the District of Columbia, has entered an order requiring this witness to testify and granting him immunity under sections 6002 and 6005 of title 18 of the United States Code, so that the testimony of Mr. Benz is given pursuant to this order of immunity, and he is entitled in subsequent proceedings to all of the protections which the order of immunity and the statutes involved place around him.

Mr. Lenzner. Thank you, Mr. Chairman.

Mr. Benz, will you tell the committee your address?

#### TESTIMONY OF ROBERT M. BENZ, ACCOMPANIED BY DELBERT L. McLAUGHLIN. COUNSEL

Mr. Benz. 14605 North 43d St., apartment 30, Lutz, Fla.

Mr. Lenzner. How are you employed? Mr. Benz. I am a dock superintendent.

Mr. Lenzner. Now, you have had prior political experience, have you not, prior to the Presidential election of 1972?

Mr. Benz. Correct.

Mr. Lenzner. Could you briefly describe those experiences? You were in—I take it you were manager of a Senate campaign in Florida, is that right?

Mr. Benz. Correct.

Mr. Lenzner. You are also president of the Young Republican Club down there?

Mr. Benz. I was.

Mr. Lenzner. Did you receive a phone call from a man who identified himself as Donald Simmons in November of 1971?

Mr. Benz. No, sir.

Mr. Lenzner. When was that phone call made?

Mr. Benz. December of 1971.

Mr. Lenzner. What was it, what did Mr. Simmons say to you?

Mr. Benz. He was interested to see if I would be interested in being involved in a voter research project.

Mr. LENZNER. Is that all he said?

Mr. Benz. And he desired I meet him.

Mr. Lenzner. Did you meet him?

Mr. Benz. Yes, sir.

Mr. Lenzner. Where was that?

Mr. Benz. Causeway Inn at Tampa.

Mr. Lenzner. And what was your discussion at that time?

Mr. Benz. He first asked me my past experience in different campaigns, and he then stated that he would be interested in my becoming involved in an effort to cause disruption in the Democratic primaries.

Mr. Lenzner. Did he specify anything, any methods or activities

you might engage in for purposes of disruption?

Mr. Benz. Yes, he did.

Mr. Lenzner. Can you explain those?

Mr. Benz. He was interested for me to obtain hecklers, pickets, and also to get people to infiltrate into the campaigns, to gather information.

Mr. Lenzner. Now, the records show, and you told us, that you talked telephonically to Mr. Segretti on a number of occasions, a person you now know as Segretti, and you also met him in person on a number of occasions.

Mr. Benz. Correct.

Mr. Lenzner. And during those discussions did he further define what his and what your strategy was supposed to be with reference to the specific Democratic candidates in the Florida primary?

Mr. Benz. Well, the overall strategy was to concentrate on Senator Humphrey, Senator Muskie, and Senator Jackson, and to just gen-

erally cause a disruption among these camps.

Mr. Lenzner. Were you supposed to concentrate your resources on any particular candidate?

Mr. Benz. At that time it was Senator Muskie.

Mr. Lenzner. Did you receive any money from Mr. Segretti?

Mr. Benz. Correct.

Mr. Lenzner. How much was that?

Mr. Benz. On what occasion?

Mr. Lenzner. The first occasion.

Mr. Benz. \$50.

Mr. Lenzner. And did you arrange to receive a regular salary from him?

Mr. Benz. Correct.

Mr. Lenzner. How much was that?

Mr. Benz. \$150.

Mr. Lenzner. For how long?

Mr. Benz. We did not specify the length of time.

Mr. Lenzner. Was it a week or a month?

Mr. Benz. I received that amount on a monthly basis.

Mr. Lenzner. And did you also receive expenses?

Mr. Benz. That is correct.

Mr. Lenzner. Did he also tell you that he would provide money for infiltrators into the Democratic candidates' campaigns at some point?

Mr. Benz. Correct.

Mr. Lenzner. Now, after you agreed to work for Segretti, did you approach individuals to recruit them?

Mr. Benz. Correct.

Mr. Lenzner. Who was the first person you approached?

Mr. Benz. Miss Griffin.

Mr. Lenzner. Can you give the committee her first name?

Mr. Benz. Pat, Patricia.

Mr. Lenzner. What did you ask her to do?

Mr. Benz. To join the Muskie camp.

Mr. Lenzner. And did she agree to do so?

Mr. Benz. Yes; she did.

Mr. Lenzner. Did you arrange with her to have a story as to why she wanted to join the Muskie camp? Mr. Benz. Yes; I did.

Mr. Lenzner. Would you describe that?

Mr. Benz. She stated to the Muskie people that she was a Republican, that she did not care for the President's policies, and that she was now a backer of Senator Muskie.

Mr. Lenzner. How much money did you pay her per month?

Mr. Benz. \$75.

Mr. Lenzner. Now, did you next approach somebody with the first name Debbie?

Mr. Benz. Yes; I did.

Mr. Lenzner. You can't remember her last name?

Mr. Benz. Correct.

Mr. Lenzner. What did you ask her to do? Mr. Benz. To infiltrate one of the campaigns. Mr. Lenzner. Do you remember which one?

Mr. Benz. It was either Humphrey or Wallace, I don't recall which.

Mr. Lenzner. Did she agree?

Mr. Benz. No.

Mr. Lenzner. Did there come a time when you did obtain an infiltrator into Senator Jackson's campaign?

Mr. Benz. Correct.

Mr. Lenzner. Who was that?

Mr. Benz. Miss Frohlich.

Mr. Lenzner. Can you spell that please for the committee?

Mr. Benz. Probably not correctly.

Mr. Lenzner. Give it to us as best you can, Mr. Benz.

Mr. Benz. F-r-o-h-l-i-c-h.

Mr. Lenzner. What was her first name?

Mr. McLaughlin. E-s-e-l-e-n-e, the last I heard someone spell it. Mr. Lenzner. Did you know her through the Young Republican activities?

Mr. Benz. That is correct.

Mr. Lenzner. Did you pay her \$50 a month?

Mr. Benz. Correct.

Mr. Lenzner. Did you have a conversation with her about the legality of her activities?

Mr. Benz. I could have.

Mr. Lenzner. Do you remember what you said to her about that?

Mr. Benz. I don't recall it specifically.

Mr. Lenzner. Do you remember telling her that you had a lawyer for her if there were any problems?

Mr. Benz. I remember telling someone that.

Mr. Lenzner. You don't remember if it was Miss Frohlich?

Mr. Benz. Correct.

Mr. Lenzner. Did you tell a number of people that?

Mr. Benz. I could have.

Mr. Lenzner. Did you also recruit an individual by the name of George Hearing?

Mr. Benz. Correct.

Mr. Lenzner. He is presently in jail, is that correct?

Mr. Benz. The last I heard. [Laughter.]

Mr. LENZNER. And he is in jail on the indictment in Florida on the so-called sexual conduct letter, is that correct?

Mr. Benz. No.

Mr. LENZNER. What are the charges against him?

Mr. Benz. For not having a proper identification on a letter.

Mr. Lenzner. And that is the letter, is it not?

Mr. Benz. Correct.

Mr. Lenzner. What did you recruit him for?

Mr. Benz. Field activities.

Mr. Lenzner. Did Mr. Hearing ask you who you represented when you hired him?

Mr. Benz. He could have, I don't recall.

Mr. LENZNER. And you told him that you were doing this in behalf of President Nixon, do you recall that?

Mr. Benz. I could have.

Mr. Lenzner. You don't recall that now?

Mr. Benz. I told that to some people. I don't specifically recall if I told that to Mr. Hearing or not.

Mr. Lenzner. Did you also recruit Kip Edwards?

Mr. Benz. That is correct.

Mr. Lenzner. And that was also for so-called field activities?

Mr. Benz. That is correct.

Mr. Lenzner. And Gary Yancey also for field activity?

Mr. Benz. Just for one event.

Mr. Lenzner. Did you also attempt to get people to infiltrate Governor Wallace's campaign on occasion?
Mr. Benz. Yes.

Mr. Lenzner. Now after Miss Griffin infiltrated Senator Muskie's campaign, what kind of information did she provide you?

Mr. Benz. Various campaign information, campaign literature, just

information on a general campaign strategy.

Mr. Lenzner. Did she provide you with stationery from Senator Muskie's campaign?

Mr. Benz. Yes; she did.

Mr. Lenzner. Did she provide you with the names of the campaign staff?

Mr. Benz. Yes; she did.

Mr. Lenzner. Did she also describe their roles?

Mr. Benz. Correct.

Mr. Lenzner. Did she give you an analysis of their weaknesses and strengths?

Mr. Benz. Correct.

Mr. Lenzner. Did she also give you the names of precinct captains for Senator Muskie?

Mr. Benz. She gave me some of the names of precinct captains. Mr. Lenzner. Did she also provide you with the names of financial contributors?

Mr. Benz. Some of them.

Mr. Lenzner. Did she provide you with schedules of Senator Muskie's travel and meetings with private groups?

Mr. Benz. She provided, I can specifically recall her providing me

with some of Senator Muskie's arrangements.

Mr. Lenzner. Did that include meetings with private groups, to your recollection?

Mr. Benz. I am sure it was not an extensive report but I am sure—

I recall her giving me some information.

Mr. Lenzner. Now, Miss Frohlich who infiltrated Senator Jackson's campaign, did she also provide similar information?

Mr. Benz. Yes, sir.

Mr. Lenzner. Was that information sent on to anybody?

Mr. Benz. Correct.

Mr. Lenzner. Who did you send it to?

Mr. Benz. A post office box that I was given.

Mr. Lenzner. By whom?

Mr. Benz. Mr. Simmons or Mr. Segretti.

Mr. Lenzner. Now the information that you were obtaining, were you also using that information to conduct your so-called field activities?

Mr. Benz. Correct.

Mr. Lenzner. Now, shortly after you agreed to work for Mr. Simmons, did you receive a letter postmarked "California" instructing you to do something?

Mr. Benz. It could have been postmarked "California."

Mr. Lenzner. Do you remember what it asked you or instructed you to do?

Mr. Benz. Basically it was a letter requesting that I acquire pickets

at any rallies that President Nixon might attend in the area.

Mr. Lenzner. And were these ralliers supposed to carry signs or appear to come from another candidate's camp?

Mr. Benz. Correct.

Mr. Lenzner. Which candidates were they supposed to represent?

Mr. Benz. One of the Democratic candidates.

Mr. Lenzner. Senator Humphrey, Senator Muskie, or Senator Jackson?

Mr. Benz. Correct.

Mr. LENZNER. Did you obtain any pickets to do that?

Mr. Benz. No, sir; I did not.

Mr. Lenzner. Now, Senator Muskie appeared in Tampa in January of 1972. Did you conduct any activities with regard to his appearance at that time?

Mr. Benz. Yes; we did.

Mr. Lenzner. Can you describe those to the committee?

Mr. Benz. We released a press release and sent that to, I believe, the newsmen, and we also acquired 10 pickets that picketed the hotel.

Mr. Lenzner. Was that press release based on information you received from Miss Griffin?

Mr. Benz. That is correct.

Mr. Lenzner. What was that information?

Mr. Benz. Basically, it was the information that Senator Muskie was using Government-owned typewriters provided by a Congressman, also that Federal employees were involved in his campaign and not on leave of absence.

Mr. Lenzner. Mr. Benz, are you talking now about the press re-

lease that you sent out-

Mr. Benz. I am sorry, I am confused, I am sorry.

Mr. Lenzner. Let me see if I can refresh your recollection. You did send out a press release referring to a reception and private dinner that Senator Muskie was going to have, is that correct?

Mr. Benz. That is correct.

Mr. Lenzner. And you received that information from Miss Griffin, is that correct?

Mr. Benz. That is correct.

Mr. Lenzner. You sent that out, I take it, on Senator Muskie's stationery?

Mr. Benz. That is correct.

M. Lenzner. To the news media?

Mr. Benz. That is correct.

Mr. Lenzner. What was the result of that effort?

Mr. Benz. I don't recall a specific result.

Mr. Lenzner. Wasn't the dinner that had been planned canceled as a result of that?

Mr. Benz. Yes, sir.

Mr. LENZNER. Now, who do you have hire the pickets?

Mr. Benz. Mr. Hearing.

Mr. Lenzner. Did they carry signs?

Mr. Benz. Yes; they did.

Mr. Lenzner. Can you describe the nature of those?

Mr. Benz. They were in reference to Muskie's statement concerning a black Vice President would not be acceptable.

Mr. Lenzner. How much were they paid, if you remember?

Mr. Benz. Maybe \$100.

Mr. Lenzner. Did you instruct Mr. Hearing on what they should do if questioned about who they represented?

Mr. Benz. Correct.

Mr. Lenzner. And what were they told?

Mr. Benz. To state that they represented one of the other Democratic candidates.

Mr. Lenzner. Senator Jackson, or Senator Humphrey?

Mr. Benz. One of those.

Mr. Lenzner. Did you also learn that Senator Jackson was to appear for the opening of his headquarters in Tampa in January of 1972?

Mr. Benz. Correct.

Mr. Lenzner. Did you take any action with regard to that?

Mr. Benz. Yes, I did.

Mr. Lenzner. Can you describe those?

Mr. Benz. Those were the activities where I hired a Mr. Yancey and a Mr. Edwards to sit across the street with some signs, something stating to the fact that "Believe in Muskie" or "Muskie Country."

Mr. Lenzner. Were you on the scene that day?

Mr. Benz. Yes; I was.

Mr. Lenzner. Did you observe Senator Jackson with Mr. Yancey and Mr. Edwards?

Mr. Benz. Yes; I did.

Mr. Lenzner. Was a photograph taken of that?

Mr. Benz. Yes; there was.

Mr. Lenzner. Did you see it reprinted in newspapers?

Mr. Benz. Yes; I did.

Mr. Lenzner. Was that widely circulated, to your knowledge, throughout the country?

Mr. Benz. I don't know.

Mr. Lenzner. It was in the local area?

Mr. Benz. Correct.

Mr. Lenzner. Did you also observe Mr. Segretti in the area?

Mr. Benz. Yes; I did.

Mr. Lenzner. Did there come a time after that incident when you had your field operations conduct a picket at Senator Muskie' train stop in Florida? Campaign train stop?

Mr. Benz. Could you repeat the question, please?

Mr. Lenzner. Did you have pickets at Senator Muskie's train stop in Florida?

Mr. Benz. Yes.

Mr. Lenzner. Where was that?

Mr. Benz. In Winterhaven.

Mr. Lenzner. And did they carry signs?

Mr. Benz. Yes; they did.

Mr. Lenzner. Can you describe those signs?

Mr. Benz. "Wallace country." Mr. Lenzner. I am sorry? Mr. Benz. "Wallace country."

Mr. Lenzner. Who were those pickets?

Mr. Benz. Mr. Hearing, Mr. Edwards, and a gentleman by the name of Duke.

Mr. Lenzner. And who was this individual named Duke? Did you know anything about his background?

Mr. Benz. Mr. Hearing had told me that he was a former member

of the Nazi Party.

Mr. Lenzner. Were you conducting these pickets at Mr. Segretti's direction? I mean, did you do this operation at his direction?

Mr. Benz. We were in contact.

Mr. Lenzner. Had he advised you of the train schedule?

Mr. Benz. Yes, he had.

Mr. Lenzner. Did you also discuss the possibility of disrupting Senator Muskie's train schedule by furnishing false information to his headquarters office about his schedule?

Mr. Benz. Right.

Mr. Lenzner. Did you also obtain pickets at a speech that Senator

Muskie gave at the University of Southern Florida?

Mr. Benz. I do not recall which Presidential candidate it was that appeared at the University of Southern Florida. I obtained pickets that did go out to the University of Southern Florida.

Mr. Lenzner. I take it you obtained pickets on a number of occa-

sions for a number of candidates, is that what you are saying?

Mr. Benz. Yes, sir.

Mr. Lenzner. Did you also attend two rallies for Governor Wallace?

Mr. Benz. Yes; I did.

Mr. Lenzner. And did you distribute or have distributed literature at one of those rallies?

Mr. Benz. Yes; I did.

Mr. Lenzner. Where was that? Mr. Benz. St. Petersburg, Fla.

Mr. Lenzner. I believe that document is tab 18 [exhibit No. 214\*], but I would like to hand you, if I can, a copy and ask you if that is the document that you were handing out at that rally, or one similar to it?

Mr. Benz. Yes, sir, it is.

Mr. Lenzner. Can you read that, please?

Mr. Benz. "If you liked Hitler, you'll just love Wallace."

Mr. Lenzner. What does it say on the other side?

Mr. Benz. "A vote for Wallace is a wasted vote. On March 14, cast your vote for Senator Edmund Muskie."

Mr. Lenzner. Can you recall how many of those you distributed?

Mr. Benz. No, sir.

Mr. Lenzner. Can you estimate it?

Mr. Benz. No. sir.

Mr. Lenzner. Can you recall having about 500 or 1,000 of those printed?

Mr. Benz. It could have been that.

Mr. Lenzner. Could it have been more?

Mr. Benz. I do not really recall.

Mr. Lenzner. Did you also receive in the mail posters which are now, one of which is now in evidence, saying, "Help Muskie support busing our children?"

Mr. Benz. Correct.

Mr. Lenzner. Did you distribute those?

Mr. Benz. Yes; I did.

Mr. Lenzner. Where did you distribute those? Mr. Benz. In the northern section of Florida.

Mr. Lenzner. Can you name the cities? Mr. Benz. Jacksonville, Daytona, Orlando.

Mr. Lenzner. Did you have Mr. Hearing also distribute those?

Mr. Benz. Yes; I did.

Mr. Lenzner. Where did he put them up?

Mr. Benz. In the Tampa-St. Petersburg-Clearwater area.

Mr. Lenzner. Now, you started to, in response to another question, talk about a letter which appeared to come from a former Muskie volunteer.

<sup>\*</sup>See Book 10, p. 4292.

Mr. Benz. That is correct.

Mr. Lenzner. Would you look at tab 9 [exhibit No. 205\*] of the documents?

Mr. Benz. Yes, sir.

Mr. Lenzner. Did you have that letter prepared?

Mr. Benz. Yes, sir.

Mr. Lenzner. And did you have it typed on that stationery?

Mr. Benz. Yes; I did.

Mr. Lenzner. That is Senator Muskie's stationery?

Mr. Benz. That is correct.

Mr. Lenzner. And did you have it sent to anybody?

Mr. Benz. Yes; we did.

Mr. Lenzner. Where was it sent?

Mr. Benz. I believe it was sent to the news media.

Mr. Lenzner. Was it also sent to Senator Jackson's campaign?

Mr. Benz. Probably was.

Mr. Lenzner. If you will look on the front of that document, it seems to indicate that the letter was directed to Senator Jackson's campaign and a copy was sent to another office of Senator Jackson. Is that accurate?

Mr. Benz. That is correct.

Mr. Lenzner. Now, in March of 1972, did Mr. Segretti indicate to you that something hot was coming in the mail?

Mr. Benz. Correct.

Mr. Lenzner. And did you thereafter receive some items in the mail?

Mr. Benz. Correct.

Mr. Lenzner. Can you describe what those were?

Mr. Benz. That was the letter concerning the sexual misconduct of Senators Jackson and Humphrey.

Mr. Lenzner. And what else was in the package?

Mr. Benz. Stationery, envelopes.

Mr. Lenzner. Was that Senator Muskie's stationery?

Mr. Benz. That is correct.

Mr. Lenzner. What did you do with that, with those materials?

Mr. Benz. I gave it to Mr. Hearing.

Mr. LENZNER. And what was he instructed to do with them?

Mr. Benz. Mail them.

Mr. Lenzner. The letter was retyped on the stationery? Mr. Benz. The letter had to be duplicated on the stationery.

Mr. Lenzner. And who did he mail them to?

Mr. Benz. As I recall, it was supporters of Senator Jackson.

Mr. Lenzner. Where did you get those names?

Mr. Benz. From Miss Frohlich.

Mr. Lenzner. Miss Frohlich was inside Senator Jackson's campaign?

Mr. Benz. That is correct.

Mr. Lenzner. And that is the letter that you referred to before that Mr. Hearing was prosecuted on, is that correct?

Mr. Benz. That is correct.

Mr. Lenzner. Now, did Mr. Segretti also give you three vials of some chemical substance sometime in March of 1972?

<sup>\*</sup>See Book 10, p. 4279.

Mr. Benz. That is correct.

Mr. Lenzner. What discussion did you have with him at that time? Mr. Benz. I cannot recall the conversation, but I do recall him instructing me to place this liquid substance into the headquarters of Senator Muskie, the two headquarters in Tampa. And also at the picnic. I do not recall if that was at that particular time or not.

Mr. Lenzner. Was this shortly before the primary of March 14?

Mr. Benz. That is correct.

Mr. Lenzner. What did you do with those?

Mr. Benz. I gave them to Mr. Hearing.

Mr. Lenzner. And to your knowledge, what did Mr. Hearing do

with the chemical compound?

Mr. Benz. As he told me, he placed those into the headquarters of Senator Muskie.

Mr. Lenzner. Into two headquarters?

Mr. Benz. Correct.

Mr. Lenzner. They were two different locations?

Mr. Benz. That is correct.

Mr. Lenzner. Was one of the headquarters called the telephone bank?

Mr. Benz. That is correct.

Mr. Lenzner. Were these placed the day before the primary?

Mr. Benz. Evening.

Mr. Lenzner. The evening of the primary?

Did Mr. Hearing indicate how they gained entrance to those buildings?

Mr. Benz. They did not gain entrance.

Mr. Lenzner. Well, how did they get access to them?

Mr. Benz. Access to the building?

Mr. Lenzner. So they could throw or do whatever they had to do with the chemical?

Mr. Benz. Well, in one building, there was a hole in the window which they dropped the substance through. In another building, as it was told by me, the screen was open and the window was open and they dropped it in.

Mr. Lenzner. They didn't tell you that they removed the screen?

Mr. Benz. That is correct, as I recall.

Mr. Lenzner. Which is correct, that they did remove the screen or they didn't?

Mr. Benz. As I recall, the screen was already open.

Mr. Lenzner. What did Mr. Hearing do with the other chemical? Mr. Benz. They took that to the picnic. It was a Senator Muskie picnic and they emptied the vial at the picnic.

Mr. Lenzner. Where was that picnic held?

Mr. Benz. It was on the grounds of the Mary Help of Christians Church School.

Mr. Lenzner. You and Mr. Segretti observed that picnic, did you not?

Mr. Benz. No; we did not.

Mr. Lenzner. You were not in the area? Mr. Benz. Not at the time of the picnic.

Mr. LENZNER. Did you pay Mr. Hearing for those?

Mr. Benz. Yes: I did.

Mr. LENZNER. How much did you pay him?

Mr. Benz. Probably \$100, something to that effect.

Mr. Lenzner. Did you later see any of those incidents published in any newspaper?

Mr. Benz. Yes; I did.

Mr. Lenzner. Did you send Mr. Segretti the clippings?

Mr. Benz. Yes; I did.

Mr. Lenzner. Did there come a time when, at Segretti's request, you left the State of Florida?

Mr. Benz. That is correct.

Mr. Lenzner. Where did you go?

Mr. Benz. Pittsburgh, Pa.

Mr. Lenzner. What was the purpose of that trip?

Mr. Benz. To start the same type of organization that was in

Mr. Lenzner. And did you contact people for the purpose of that?

Mr. Benz. Yes, I did.

Mr. Lenzner. Now, I take it that was to infiltrate campaigns and possibly disrupt political events?

Mr. Benz. Correct.

Mr. Lenzner. Did vou also travel to Milwaukee, Wis., with

Mr. Benz. Not the complete way with Mr. Segretti.

Mr. LENZNER. Well, from Chicago with him?

Mr. Benz. That is correct.

Mr. Lenzner. What did you do when you got to Milwaukee? Mr. Benz. We distributed the campaign fliers that had the information concerning the free chicken barbecue.

Mr. Lenzner. At whose campaign was that supposed to be at?

Mr. Benz. Senator Humphrey's.

Mr. Lenzner. I take it that was an event that you created?

Mr. Benz. That is correct.

Mr. Lenzner. Would you look at tab 14 [exhibit No. 210\*] of your documents?

Is that the leaflet you distributed in Milwaukee?

Mr. Benz. That is correct.

Mr. Lenzner. And that advertises all you can eat for free, with beer, wine, and soda?

Mr. Benz. That is correct.

Mr. Lenzner. It also advertises the appearance of some individuals. Would you indicate which individuals you indicated were going to appear?

Mr. Benz. Senator Humphrey, Lorne Greene, and Mrs. Martin

Luther King.

Mr. Lenzner. And what areas of the city did you distribute that in?

Mr. Benz. All the areas of town.

Mr. Lenzner. Do you remember approximately how many you distributed?

Mr. Benz. No. sir.

Mr. Lenzner. Going back to the picnic where the chemical was distributed, do you recall telling the FBI agents who interviewed you in

<sup>\*</sup>See Book 10, p. 4285.

May of this year that you drove down to the Muskie picnic on Sunday evening and noticed that the chemical had been distributed?

Mr. Benz. That is correct.

Mr. Lenzner. So you did go to the picnic area? Mr. Benz. I did go to the picnic area. I did not attend the picnic, as you said before.

Mr. Lenzner. Thank you, Mr. Benz. That is very helpful.

Now, did you also discuss with Mr. Segretti possible activities at the demonstration—at the Democratic convention in the summer of

Mr. Benz. That is correct.

Mr. Lenzner. Would you describe that discussion?

Mr. Benz. He basically mentioned that I possibly might be needed to travel to one of the conventions to join in on some of the demonstrations.

Mr. Lenzner. And did he indicate that he would be hiring other individuals for that purpose?

Mr. Benz. He indicated that he wanted me to inquire to see if I

could get some others.

Mr. Lenzner. Did he furnish you any money at that time?

Mr. Benz. I do not recall him furnishing any money at that time specifically. He furnished me with money all during the campaign and I cannot recall the specific times at which he did.

Mr. Lenzner. Now, did you receive any indications from the people that you had inside the campaigns as to what results you were achiev-

ing through your other activities?
Mr. Benz. Only the Muskie campaign.

Mr. LENZNER. What did you learn from that?

Mr. Benz. Well, the staffs themselves were annoyed about what we were doing.

Mr. Lenzner. When you indicated your activities to Mr. Segretti,

was he pleased by what you told him?

Mr. Benz. He generally was.

Mr. Lenzner. Did he indicate at any time that the people he was working for were also pleased?

Mr. Benz. He might have.

Mr. LENZNER. You don't recall now whether he did or didn't?

Mr. Benz. Not specifically.

Mr. Lenzner. Did you have in your possession at one time documents and records relating to the activities you testified about; is that correct?

Mr. Benz. Would you repeat that question?

Mr. Lenzner. You had materials and records relating to the activities that you did for Segretti; is that true?

Mr. Benz. At one time; yes.

Mr. Lenzner. And what happened to those documents?

Mr. Benz. I destroyed them.

Mr. Lenzner. When was that, do you recall?

Mr. Benz. I believe I-it could have been in the summer of 1972 and it could have been in the fall.

Mr. Lenzner. Is there any reason why you destroyed those documents?

Mr. Benz. Well especially when I saw Mr. Segretti's name and picture in the news media, that was the time that I destroyed any remaining information that I did have.

Mr. Lenzner. When were you first contacted by any investigative

agency?

Mr. Benz. I believe that was January of 1973—the FBI—unless you are referring to Senate investigation people.

Mr. Lenzner. No, the FBI. January of  $1973\,?$ 

Mr. Benz. Correct.

Mr. Lenzner. Thank you, Mr. Chairman. That is all I have.

Senator Ervin. There is a vote in the Senate. We will have to temporarily suspend so members of the committee can go and vote.

Recess.

Senator Ervin. The committee will come to order. Counsel will cross-examine the witness.

Mr. Liebengood. Thank you, Mr. Chairman.

Mr. Benz, what were you doing when you were first contacted by Mr. Segretti?

Mr. Benz. I was a part-time student delivering newspapers for the

Mr. Liebengood. And you were going to school where?

Mr. Benz. The University of South Florida.

Mr. Liebengood. Did you accept Mr. Segretti's proposition that you engage in certain political activity on your own volition?

Mr. Benz. Correct.

Mr. Liebengood. Did Mr. Segretti make any promises of political favors to you at that time?

Mr. Benz. No. sir.

Mr. Liebengood. Did he at any time make such promises or

Mr. Benz. He mentioned after the election the possibility of some type of job; he never was specific.

Mr. Liebengood. He was not specific?

Mr. Benz. No.

Mr. Liebengood. Did Mr. Segretti indicate to you at the time of his initial contact or thereafter whom he worked for?

Mr. Benz. No, sir.

Mr. Liebengood. Did you have any contact during the period of time that you were performing activities with Mr. Segretti, any contact with the Republican National Committee?

Mr. Benz. No. sir.

Mr. Liebengood. The Committee To Re-Elect the President?

Mr. Benz. Yes and no.

Mr. Liebengood. Would you explain that yes-and-no answer, please?

Mr. Benz. When I was—after we had finished this complete operation I was working for a candidate running for the State house of representatives, and during the course of that I did come in contact with people locally who were working in behalf of President Nixon's campaign.

Mr. Liebengood. Was this during the period of time that you were being engaged in the activities with Mr. Segretti?

Mr. Benz. No. sir.

Mr. Liebengood. During that period of time from the time Mr. Segretti first contacted you to the time that you ceased such operations, did you have any contact with any regular Republican organization?

Mr. Benz. Excuse me.

Mr. Liebengood. To include local campaign organizations.

Mr. Benz. Not in connection with this, not at all.

Mr. Liebengood. Did Mr. Segretti give you any instructions with regard to coordination of your activities with local Republican organizations?

Mr. Benz. No. Well, Mr. Segretti gave me the explicit instruction not to—not to contact anybody within the Republican Party during

my actions.

Mr. Liebengood. When did he give you this instruction?

Mr. Benz. During the first meeting.

Mr. Liebengood. Did you follow that instruction?

Mr. Benz. Yes, I did.

Mr. Liebengood. Did you have any contact with a person who you know to be Howard Hunt alias Edward Warren?

Mr. Benz. No. sir.

Mr. Liebengood. Did Mr. Segretti ever explain to you or did you ever ask, did you ever come into knowledge during the time that you were working for Mr. Segretti as to the source of the money that he was paying you?

Mr. Benz. No; I never asked that.

Mr. Liebengood. How much money did you say he agreed to pay you, \$150?

Mr. Benz. Correct.

Mr. Liebengood. Was this figure maintained throughout your performance of work with him?

Mr. Benz. Approximately.

Mr. Liebengood. Was \$150 a month enough to sustain you at that time in and of itself?

Mr. Benz. No, sir.

Mr. Liebengood. I take it that money was not your primary motive for engaging in these activities?

Mr. Benz. That is correct.

Mr. Liebengood. What was your primary motive for engaging in these activities?

Mr. Benz. I think that I could best explain that by stating the question that Mr. Segretti put forward to me at the Causeway Inn when he asked me whether I knew the difference between positive campaigning and negative campaigning, and I answered the negative campaigning—excuse me, he asked me if I knew what negative campaigning was and I answered that, "It is opposite of positive campaigning," and he said, "Yes," and then I went on to explain some of the little dirty tricks that were pulled on the campaign that I was involved in the 1970 elections and I also explained to him that many of the principals that were involved in the 1970 elections were now managing the Democratic primary campaigns in Florida, and I also felt that this would be an opportunity for myself to give these people a little bit of the medicine they have given me in the past.

Mr. Liebengood. Are you saying then that this was your primary

motive for accepting his proposition?

Mr. Benz. Well, I felt that in the past, in my local area basically, the Democrats had been almost on an election-type basis, always participated in this form of action and as Republicans since we were in a minority, we were unable to, we also had to strictly abide by the law. I felt if the Democrats got a little bit of a dose of their own type of activities then they would be little bit reluctant to do this to us in the future.

Mr. Liebengood. So you were taking the proposition that the two

wrongs would make a right?

Mr. Benz. No. sir.

Mr. Liebengood. You engaged several people in several primary campaigns to infiltrate the respective Democratic campaigns and I understand you did this at the suggestion of Mr. Segretti.

Mr. Benz. That is correct.

Mr. Liebengood. Were all those infiltrations at his suggestion?

Mr. Benz. Probably was.

Mr. Liebengood. Do you know, and will you tell the committee, the rationale behind the infiltration of an opponent's campaign or in this

case respective Democratic opponents' campaigns?

Mr. Benz. I think that in most all the elections, including probably some of the Senators who are sitting around this table here, have always desired information on their opponents and this was our same desire to gather this information.

Mr. Liebengood. What was your purpose in gathering the information, what was done with the information once it was gathered?

Mr. Benz. We used it in order to plan our action, our action to cause as much confusion among the Democrats as possible.

Mr. Liebengood. Did you forward all the material procured from the Democratic campaigns to Mr. Segretti?

Mr. Benz. Yes, sir.

Mr. Liebengood. Did you operate on any of this information independently of coordination with Mr. Segretti?

Mr. Benz. I operated both independently and also in cooperation

with Mr. Segretti.

Mr. Liebengood. There has been some evidence that you promoted or were asked to promote incidents of heckling and demonstrations. Can you tell the committee what the purpose of that activity might be?

Mr. Benz. The same, you know, it is just to cause a confusion type

of activity among the candidates.

Mr. Liebengood. I noted in the witness summary, and I think Mr. Lenzner alluded to it in his questioning, that there was a recruitment of George Hearing to participate in a Muskie train trip project where there was literature passed out.

Was this literature passed out on the Muskie train?

Mr. Benz. Are you stating that I said——

Mr. Liebengood. I am asking whether or not the literature was

passed out on the Muskie train.

Mr. Benz [conferring with counsel]. We didn't pass out any literature at the Muskie train stop. That was pickets.

Mr. Liebengood. In other words, the information here that literature was passed out in conjunction with the Muskie train trip is not accurate?

Mr. Benz. That is correct. Mr. Liebengood. Thank you.

Now, do you have any knowledge of the fabled Canuck letter?

Mr. Benz. No, sir; none at all.

Mr. Liebengood. Is it safe to say that the bulk of your activity was concentrated in the State of Florida?

Mr. Benz. The bulk of it; yes, sir.

Mr. Liebengood. Your activity in Pennsylvania was limited to what?

Mr. Benz. Contacting one man that I asked to participate in basically the same as far as acquiring hecklers and pickets, and also to send me any news clippings of any of the actions on the part of any of the primary candidates and, in fact, that is just what this person did. He always did whatever he sent me was just newspaper clippings.

Mr. Liebengood. Did you conduct any activities in the State of Wisconsin other than the receipt of bumper stickers from Mr. Segretti for use in Milwaukee, the delivery of flowers, pizza and chicken to Senator Muskie's hotel room, and the preparation and distribution

of the fliers that have been previously testified to?

Mr. Benz. And also one time, two limousines.

Mr. Liebengood. Two limousines, was that the extent of your activity in the Wisconsin primary?

Mr. Benz. Yes, sir.

Mr. Liebengood. Do you feel that any of these activities influenced the outcome of the primaries in Wisconsin?

Mr. Benz. No, sir.

Mr. Liebengood. What about your activities in Florida?

Mr. Benz. No, sir.

Mr. Liebengood. Was the purpose of your activity to influence the outcome of these primaries or was that a secondary purpose?

Mr. Benz. That was probably a primary purpose at the beginning. Mr. Liebengood. You had indicated earlier that your goal was to create disruption among the Democratic camps?

Mr. Benz. That is correct.

Mr. Liebengood. Dissent, agitation?

Mr. Benz. Correct.

Mr. Liebengood. Do you recall whether or not this was a primary

purpose of your activity?

Mr. Benz. Well, that probably was the primary purpose of just causing as much confusion among the staff as possible, that was probably the main primary purpose.

Mr. Liebengood. Do you think you succeeded in that purpose?

Mr. Benz. In one of the candidates we probably did.

Mr. Liebengood. I gleaned from your earlier answer that you were motivated in part by a desire for revenge, that you hoped, as I understood your answer, to impress upon others who might have been disposed to this activity that, by virtue of your actions, this was an undesirable activity, is that what you were telling me?

Mr. Benz. That is correct.

Mr. Liebengood. Now, can you think of any legitimate measures that this committee might consider?

Mr. Benz. Certainly.

Mr. Liebengood. To halt this activity?

Mr. Benz. Certainly.

Mr. Liebengood. Would you please give us the benefit of your

thinking?

Mr. Benz. Starting from the beginning, I think just prosecuting and protecting Republicans and Democrats equally under the law; I think your problem is going to be solved but if you do not take this type of approach, then you are going to continue to have this.

Mr. Liebengood. Thank you.

I have no further questions, Mr. Chairman.

Senator Ervin. Do you believe the fact that somebody did evil yesterday justifies you to do evil today?

Mr. Benz. No: I do not believe that.

Senator Ervin. That is what you said you did in this. You said Democrats had done this. Can you tell me any time in the history of the United States that aides in the White House and the President's personal attorney made money available to people to spread lies and libels on candidates of the opposition party?

Mr. Benz. I do not know if that has been proven or not, Senator. Senator Ervin. I have been engaged in and concerned with politics for a long time and I have been interested in the political history of the United States and I challenge you or anybody else to point out a single instance in the history of this Nation, where money donated to advance the political fortunes of a President, was used with the consent of the President's assistants in the White House, to spread libels against candidates of the opposition political party?

Mr. Benz. Are you asking me that question?

Senator Ervin. Yes; there was a question mark after that.

Mr. Benz. I think the first thing to answer that, can you tell me whenever a President has been investigated by the news media and by a committee as much as this one?

Second, where were you in 1960 when it was accused that an election was stolen out in Chicago? We are talking now about a campaign being influenced and I believe you were a Member of the Senate when it was accused that a campaign was stolen, Senator. Where were you

then? Where were you in 1964 and 1968?

Senator Ervin. I was right here in the United States and I never heard of a campaign being stolen on the credible testimony of any individual. And this is the first time in the history of the United States that the Senate of the United States, by a unanimous vote, has been moved by reports of rascality on a national scale to set up a committee to conduct an investigation.

Now, you helped to circulate a report that a candidate for President

was guilty of homosexuality, did you not?

Mr. Benz. That is correct.

Senator Ervin. Are you proud of your achievement?

Mr. Benz. I am not proud that I felt I had to do that; no, sir.

Senator Ervin. You did not have to do it. Nobody compelled you to do it, did they?

Mr. Benz. What people tell me is not the most compelling force involved with me, Senator.

Senator Ervin. You had never seen this man Segretti before in

your life until he came to you. Did you?

Mr. Benz. No. sir.

Senator Ervin. And you did it in this instance because he promised vou \$150 a month and expenses, did you not?

Mr. Benz. Are you saying "because"?

Senator Ervin. I say you did it in this instance because he promised to pay you \$150 a month and your expenses?

Mr. Benz. No, sir.

Senator Ervin. Well, why did you take the \$150 a month and expenses?

Mr. Benz. I needed to cover the expenses, Senator. I could not

afford to cover the expenses.

Senator Ervin. How long were you working or getting money from

Mr. Benz. Five or six months, maybe.

Senator Ervin. Five or six months. And that 5 or 6 months you spent disseminating libels on people when you knew they were not true, and did other things to disrupt the campaigns of Democrats merely because they were Democrats. Is that not so?
Mr. McLaughlin. Could you repeat that?

Senator Ervin. Read him the question.

The reporter read the question.

Mr. Benz. No. sir.

Senator Ervin. Well, why did you do it?

Mr. Benz. I believe I stated my answer to that question before.

Would you like me to repeat it?

Senator Ervin. Well, I asked you if you have ever known of White House aides authorizing the use of campaign funds to spread foul slanders and libels against reputable men seeking political office?

Mr. Benz. I would not know that the money I used was White

House money.

Senator Ervin. You said possibly the Senators here on this committee have been engaged in tactics like that.

Mr. Benz. I would not know. You would know that.

Senator Ervin. You said we had possibly infiltrated campaign orga-

nizations of our opponents.

Mr. Benz. I said I believed that probably you Senators yourselves, when you run a campaign, you are always interested in opponent research and this is one way that maybe you used. This is maybe not the most common way.

Senator Ervin. You are not testifying that I ever sent a spy into the

campaign organization of any of my opponents, are you?

Mr. Benz. Only you would know that, Senator.
Senator Ervin. Well, I will tell you, I have never done that and I have been in politics since 1922. And I have never in that time known or heard of things going on, at least in North Carolina, that you say you perpetrated in Florida and Wisconsin.

Senator Weicker.

Wait, I have one more question.

Do you not know that when you circulated that rumor, that false libel about Senator Jackson and Senator Muskie, that that occurred before March 1972?

Mr. McLaughlin. I beg your pardon, sir.

Senator Ervin. 1972. Before the primary in March. The primary in Florida was in March 1972, was it not March 14?

Mr. Benz. Yes; it was circulated before that.

Senator Ervin. And that became known down there, didn't it? Reference was made to it in the paper.

Mr. Benz. Yes, sir.

Senator Ervin. And you know it was reported to a U.S. district attorney?

Mr. Benz. Yes, sir.

Senator Ervin. And you also know that nothing was done about it by the U.S. district attorney that anybody could detect prior to April of this year, more than 14 months after it was done.

Mr. Benz. I would not know that, Senator.

Senator Ervin. Well, you do know that Mr. Hearing, who associated with you in your work, and Mr. Segretti were indicted in Federal court in Florida in May or the last of April and the first of May 1973 for something that the Federal authorities there had known about as far back as March of 1972.

Mr. Benz. Some of that was reported in the newspapers, sir, yes,

sir. I did read that in the newspaper.

Senator Ervin. And you know that Mr. Hearing pleaded guilty to failing to identify the people that perpetrated this false libel on Senator Jackson and Senator Humphrey.

Mr. Benz. I know that, yes, sir.

Senator Ervin. Well, you speak about enforcing the law. It seems like to me that justice in Florida in the Federal courts was traveling on somewhat leaden feet.

One thing you said I fully concur in. That is that the law ought to

be enforced against everybody.

Mr. Benz. That is absolutely correct.

Senator Ervin. And one thing that somebody deserves credit for is the fact that there have been seven men convicted here in the District court for trying to pollute the process by which Presidents of the United States are nominated and elected, and since then, two of the aides, three employees of the Committee To Re-Elect the President have pleaded guilty to conspiracy to obstruct justice, and that Mr. Segretti has also pleaded guilty in connection with matters you and he were interested in and that Mr. Hearing was sent to jail on account of the same thing.

Senator Weicker.

Senator Weicker. I would like to continue the same line of question-

ing as the chairman, Mr. Benz.

As I understand it, the letter concerning or alleging sexual impropriety on the part of Senators Jackson and Humphrey, this letter was totally false, was drafted by Mr. Segretti and turned over to you. Is that correct?

Mr. Benz. It is correct that it was turned over to me, yes, sir.

Senator WEICKER. Then what did you do with it?

Mr. Benz. I gave that information to Mr. Hearing, the packet. There was other material with the letter also, Senator.

Senator Weicker. And you were the one who had hired Mr. Hearing

in the first instance?

Mr. Benz. Earlier in the campaign, yes, sir.

Senator Weicker. So you had hired Mr. Hearing and you turned that letter over to Mr. Hearing?

Mr. Benz. That is correct.

Senator WEICKER. And as I understand it, Mr. Hearing is serving a jail sentence right now on the basis of having distributed that letter? Mr. Benz. That is correct.

Senator Weicker. Did you at any time appear in behalf of Mr. Hearing and indicate that in fact, he was operating on your orders?

Mr. Benz. Only in the grand jury I have, and speaking with the FBI, I have, and also speaking with your committee staff, I have stated that fact.

Senator Weicker. Well, I don't understand why it is, that Mr. Hear-

ing is in jail insofar as this letter is concerned.

How is it, in other words, that you seem to have gone completely free in this matter and actually, you were the one who gave the orders on

the letter. I am a little bit confused on that.

Mr. McLaughlin. He was called before the grand jury on several occasions and took the fifth amendment. The next time he was called before the grand jury, he was granted immunity from prosecution and required to testify or to go to jail for contempt. He was advised by other legal counsel than myself to go ahead and present testimony. He did so. He had been granted immunity from prosecution by the grand jury and the grand jury that had that information is the one that indicted Mr. Segretti and Mr. Hearing.

Is that satisfactory?

Senator Weicker. Then, am I correct in assuming that Mr. Benz was a witness against Mr. Hearing, is that correct?

a witness against Mr. Hearing, is that correct?

Mr. McLaughlin. No, sir, Mr. Benz was not a witness against Mr. Hearing, because Mr. Hearing did plead guilty and there was no trial.

Mr. Weicker. You referred to activities in 1970 which formed the basis of your participation in the events which have been alledged to you. Did you ever lodge a complaint with law enforcement authorities in 1970?

Mr. Benz. I reported everything to my superiors in the campaign.

I don't know what action they took on that, Senator.

Senator Weicker. But then how is it possible to go and blame the justice system in Florida for what, according to you, didn't happen?

Mr. McLaughlin. I beg your pardon?

Senator Weicker. As I understand it, the basis, the motivating factor of Mr. Benz' activities in the 1972 campaign, were the fact that similar matters had been done to him in 1970, and apparently no action was taken. I have asked him to specifically list those activities. I am asking that now.

Also, I asked the question as to whether or not he filed a complaint with the appropriate law enforcement agencies, which agencies, ac-

cording to Mr. Benz, did nothing?

Mr. McLaughlin. He stated he was not sure. He turned the information over to his supervisors and he is not sure whether they filed police complaints or not. I don't know, either.

Senator Weicker. Well, were your superiors Representatives?

Mr. Benz. Yes, sir.

Senator Weicker. Well, I am very confused as to how we are going to blame—I mean there are a lot of things we can blame the Democrats for, but I don't understand how we are going to blame the Democrats in your situation in 1970 or the law enforcement officials in Florida.

How does that form the basis for getting riled and trying to do the

same thing to the Democrats in 1972? Can you explain that to me?

Mr. Benz. Do you want specifics, Senator, the actions that were done?

Is this your question?

Senator Weicker. Yes; it is a question. I want to know from you—you say that on the basis of your experiences in 1970, you felt the time had come to—that turnabout is fairplay and that you are going to give it to the Democrats.

Now, you told me that the dirty tricks that were apparently played on you, you reported to Republicans. You have also told me that you did not report them to any law enforcement agencies. How can you blame, then, these matters on either the law enforcement agencies in Florida or the Democrats? Doesn't the fault lie in your own party in failing to pursue the information which you gave to them?

Mr. Benz. In many cases, the information was almost public knowl-

edge, Senator.

Senator Weicker. Well, that may be, but somebody has to go ahead and file a complaint. Somebody has to give information. Did you do that?

Mr. Benz. It was not my place to do that, Senator. It would have been one of my superiors' positions to do that. I do not know if they did that or not. They might have, Senator.

Senator Weicker. Well, then, in other words, it was the Republicans in your organization, your Republican superiors who dropped the ball,

is that correct?

Mr. Benz. I do not know if they dropped the ball or not, Senator.

Senator Weicker. Obviously, if they had gone ahead and lodged a complaint with law enforcement agencies, you would have had to testify in that matter and apparently, you didn't.

Mr. Benz. Usually, it is dropped before it gets that far, Senator.

Senator Weicker. I suggest to you that you were given every opportunity to go ahead and go the legal route in 1970 on the matters that you complain about and that they really don't form a valid basis for your motivation in 1972.

Mr. Benz. In my mind, they do, Senator.

Senator Weicker. But on the basis of facts, they don't.

Mr. Benz. Your facts or mine, Senator?

Senator Weicker. Your facts.

Mr. Benz. On my facts, they do, sir.

Senator Weicker. Well, then, you tell me how. Mr. Benz. I believe I have answered that question.

Senator Weicker. You have not answered it. I will repeat what I

said to you earlier.

I asked you and had asked earlier, did you report these matters to the appropriate law enforcement agencies?

Mr. Benz. I reported those matters to my appropriate superiors.

Senator Weicker. Who were Republicans?

Mr. Benz. That is correct.

Senator Weicker. So that in nowise were the Democrats involved in failing to prosecute these abuses?

Mr. Benz. Not in failing to prosecute, just in committing the acts,

Senator.

Senator Weicker. I believe in the staff hearing, on questioning from Mr. Armstrong, Mr. Armstrong stated:

In any prior campaigns that you had worked, were you aware of any attempts to plant demonstrators or hecklers?

Mr. BENZ. Sure.

Mr. Armstrong. What were those?

Mr. Benz. I know when we were working for Cramer, we had all sorts of stuff done against us by the Democrats.

Mr. Armstrong. How did you know they were being done by the Democrats?

Mr. Benz. There is no proof.

Mr. Benz. That is correct.

Senator WEICKER. So in other words, there are no facts to substantiate the theory which you put forth to this committee to justify your own action?

Mr. Benz. I believe, Senator, that if this committee would investigate campaigns such as the one that they have just investigated, they

are going to find the same similar acts.

Senator Weicker. In other words, you belong to the school that says everybody has been doing it and this particular campaign wasn't unusual at all?

Mr. Benz. That seems to be the general opinion with the exception

of politics, Senator.

Senator Weicker. And that this is exactly the way, at least insofar as your experience is concerned, let me put it this way—the placing of informants—that you were involved in here—placing of informers in the Tampa headquarters of Senators Muskie and Jackson, the releasing to the press of a scheduled fundraising dinner, anti-Muskie pickets calling him a bigot, a fictitious letter alleging the use by Muskie of aides and typewriters of Congressman Gibbons in Florida, the picketing of Muskie's appearance with signs "If you liked Hitler, you will love Wallace, Vote for Muskie," supervising the printing and distribution of scurrilous letters about Senators Humphrey and Jackson, and the placing of stinkbombs at Muskie picnics and Muskie headquarters—these are all the norm in Florida politics, is that correct?

Mr. Benz. Maybe not those specific acts. Senator.

Senator Weicker. Well, are there acts—are the acts that you are discussing now, are they worse or the same? If they are worse I would like to hear about them. I would like to know of your experience in these matters.

Mr. Benz. All right, would you like—1970 was just one particular example. There were others. But if you would like, I can give you the

complete rundown of 1970 dirty tricks.

Senator Weicker. I certainly would. I would also hope that these matters have been turned over to the appropriate law enforcement agencies in Florida.

Mr. Benz. They have been given over to the FBI, Senator.

Senator Weicker. Given over to the FBI when? At the time they

occurred or at the time this investigation started?

Mr. Benz. I think we covered that before, Senator. That again— I stated that I felt it was not my place to give that information over to the officials and I did give that information over to my superior which I felt was my duty. As I said, I do not know whether they turned it over to the officials or not.

Senator Weicker. You just said you gave it to the FBI. When did

you turn these matters over to the FBI?

Mr. Benz. About a year ago.

Senator Weicker. At the time you were being investigated relative to the 1972 campaign?

Mr. Benz. Correct.

Senator Weicker. Well, that is a little late, isn't it?

Mr. Benz. It probably is.

Senator WEICKER. Why didn't you go to the FBI before then?

Mr. Benz. Again, I think I mentioned that before, Senator, about five times.

Senator Weicker. Now then, my last question in this round is this: What are your opinions of what you did? Is this proper campaigning? Mr. Benz. No. sir.

Senator Weicker. Well, what has brought about a change of mind? Mr. Benz. I have always felt this was improper campaigning activities.

Senator Weicker. And you knew it was improper when you did it, but you did it anyway?

Mr. Benz. Correct.
Senator Weicker. Well, I have no further questions on this round, Mr. Chairman.

Senator Ervin. Senator Talmadge.

Senator Talmadge. Mr. Benz, do you have any regrets about your activities in that campaign?

Mr. Benz. Yes, sir; sure.

Senator Talmadge. You are not proud of what you did then?

Mr. Benz. No. sir.

Senator Talmadge. You are contrite?

Mr. Benz. Correct.

Senator Talmadge. Do you have regrets that one of your subordinates, Mr. Hearing, serves 1 year in jail at the present time and you are walking the streets free?

Mr. Benz. Yes, sir.

Senator Talmadge. It makes you feel that you are quite lucky to be free at the present time, does it not?

Mr. Benz. Correct.

Senator Talmadge. When did you start feeling regretful about your activity in that campaign?

Mr. Benz. From the beginning. Senator TALMADGE. When?

Mr. Benz. From the beginning when Mr. Segretti approached me at the Causeway Inn.

Senator Talmadge. Did you feel regretful enough at that time to

inform the FBI about your activities?

Mr. Benz. No. sir.

Senator Talmadge. Did you feel regretful enough to inform any other law enforcement officer?

Mr. Benz. No. sir.

Senator Talmadge. Were you ever instructed not to speak to any of the law enforcement officers?

Mr. Benz. Just the opposite, sir.

Senator TALMADGE. Who informed you to speak to the officers?

Mr. Benz. Mr. Segretti.

Senator Talmadge. Did you go to the law enforcement officers at that time and speak the opposite?

Mr. Benz. No, sir.

Senator Talmadge. Why did you remain silent?

Mr. Benz. I remained silent until they questioned me and I have co-

operated with them, sir.

Senator TALMADGE. I believe you had two subordinates. One was named Mr. Duke and the other one was named Mr. Hearing; is that right?

Mr. Benz. His nickname was Duke; I do not believe that was his

last name

Senator Talmadge. One was named Duke and the other Hearing?

Mr. Benz. Correct.

Senator Talmadge. Did Mr. Hearing tell you that this man Duke was a former SS officer for Adolf Hitler's storm troopers?

Mr. Benz. Correct.

Senator Talmadge. Did you believe that?

Mr. Benz. No, sir.

Senator Talmange. Did Duke ever tell you that? Mr. Benz. I do not recall if he ever did nor not.

Senator Talmadge. Did you feel that being trained by Adolf Hitler and his storm troopers particularly qualified him for the duties that you assigned to him? [Laughter.]

Mr. Benz. I do not know of any training school that would train

him for this work.

Senator TALMADGE. I could not hear you.

Mr. Benz. I said I do not know of any training school that would

train a person for this type of work.

Senator Talmadge. Were not the activities quite similar? Did not Hitler's Nazi storm troopers perform similar activities to what you were engaged in, in Florida?

Mr. Benz. I would not know that, Senator.

Senator Talmadge. You have read some history of that period, have you not?

Mr. Benz. Correct.

Senator Talmadge. You have read "Rise and Fall of the Third Reich", I take it?

Mr. Benz. Correct.

Senator Talmadge. Are not the activities of the Nazi storm troopers somewhat similar?

Mr. Benz. I do not recall if he ever did or not.

Senator Talmadge. I thought they were. I read about a good many falsified documents during that era and libels and slander about the opposition. It was one of the ways, as I recall, that Adolf Hitler achieved power.

Do you think Duke carried on his activities in an exemplary fash-

ion in that manner, do you?

Mr. Benz. Yes, sir.

Senator Talmadge. No further questions, Mr. Chairman.

Senator Ervin. Senator Inouve.

Senator INOUYE. Most of the questions I had in mind were asked, Mr. Chairman, but, Mr. Benz, I would like to have your thoughts as to whether the following activities are legal or moral or ethical: The distribution of misleading literature without the source being identified.

Mr. Benz. That covers—it is not. Senator.

Senator Inough. The sending of fake invitations to nonexistent events.

Mr. Benz. It is probably not, sir. Senator Inouye. It is not legal?

Mr. Benz. Sending invitations—I guess it would depend upon whether there was any name identification, Senator.

Senator Inouye. No; sending out invitations to events, nonexist-

ing events, such as the ones you sent out. Was that-

Mr. Benz. If there is no name identification on it then it would be illegal. I do not have the information if there would be a name identification on it whether it would break the law or not.

Senator Inouye. Even if it is legal, do you think it is moral or

ethical?

Mr. Benz. No, sir.

Senator Inouge. What about issuing fake press releases?

Mr. Benz. Right; correct. Senator Inouye. It is OK?

Mr. Benz. No, sir, I am sorry; it is not.

Senator INOUYE. How about circulating false, salacious, libelous, and untrue letters designed to injure the candidate of the opposition party?

Mr. Benz. No, sir.

Senator INOUYE. That is not legal?

Mr. Benz. No, sir.

Senator INOUYE. What about breaking and entering by forcibly opening a window to place a stinkbomb in the headquarters of the opposition party?

Mr. Benz. No. sir.

Senator Inouve. What about stinkbombs in general?

Mr. Benz. I do not know whether that is illegal or not, Senator. Senator Inouye. You think it is a good thing in a political campaign?

Mr. Benz. No, sir.

Senator INOUYE. How about defiling a phone bank?

Mr. Benz. No, sir.

Senator Inouxe. How did you carry this out, sir? I believe you were involved in the defiling of a phone bank.

Could you describe to us what happened?

Mr. Benz [conferring with counsel]. I think I have already covered when I received the material—you want to go on from there?

Senator Inouye. Yes, please.

Mr. Benz. I gave the material to Mr. Hearing with instructions to place this material into the downtown headquarters, which was the phone bank and also the Muskie headquarters. And he later told me that he did in fact—there was a hole in the window of the telephone

bank which they placed the substance through, and in the campaign headquarters itself there was an open window, and that there was a screen that I believe was loose and that he dropped it in there which would be the utility room.

Senator INOUYE. Do you consider ordering supplies, food, beverages, on behalf of an opposition candidate—with no intention of pay-

ment-legal, ethical, or moral?

Mr. Benz. No, sir.

Senator Inouxe. Prior to Watergate and prior to the exposure of your involvement in the sabotage activities, did you consider that the money spent for furthering your sabotage activities was money well spent in the effort to reelect the President?

Mr. Benz [conferring with counsel]. I really would not know the

answer to that, Senator.

Senator INOUYE. I will ask another one then. Was the reelection of the President so important that any means would have justified that end?

Mr. Benz. No, sir.

Senator INOUYE. Are you, in your discussion with one of my colleagues here, suggesting that since the other party carried out dirty

tricks, your party was entitled to do the same?

Mr. Benz. My belief at the time, sir, would be that if there were some action in answer to that, to the other party's actions that in the end—that they would pause a minute before they would. I was hoping that this would be a deterrent to further actions of this type.

Senator Inouve. Thank you very much, sir.

Senator Ervin. Senator Weicker. Senator Weicker. No questions.

Senator Ervin. How long did you work in Wisconsin?

Mr. Benz. About 3 or 4 days, Senator.

Senator Ervin. You had no grievance against the people of Wisconsin, did you—the Democrats of Wisconsin?

Mr. Benz [conferring with counsel]. No, Senator.

Senator Ervin. But you played dirty tricks up there on them?

Mr. Benz. Yes, sir.

Senator Ervin. You mean to tell me that you sincerely believed that you were justified in disseminating false and scurrilous attacks upon the characters of Senator Jackson and Senator Humphrey because some Florida Democrats may have perpetuated some instance of which you disapproved upon Congressman Cramer?

Mr. Benz [conferring with counsel]. I was not justified, Senator, but

I was prompted.

Senator Ervin. Well, Cain felt it was proper to kill his brother Abel

but so far as I know he didn't offer much justification.

Mr. Lenzner. Just one brief question. Mr. Benz, we have checked our records and checked the Special Prosecutor's office, and there is no indication in regard to the conversations you had with the FBI agents that you made any reference to any allegation involving Democratic misbehavior. Do you want to refresh your recollection of the fact that when you talked with the FBI, you did not indicate to them any such allegations?

Mr. Benz. No, sir, not all the time that they did take down the information. I don't know if this was one of the times when the FBI did not write this information down. They took this by handwritten notes.

We talked for some 40 hours, Senator—excuse me, we talked for some 40 hours and I have no knowledge of what they did write down

and what they did not.

Mr. Lenzner. And the two incidents that you related to us in response to our inquiry as to what information you had about other incidents in prior campaigns, you indicated one was a poster that said "Join the Askew-Cramer Club" and one time you said that somebody came in posing as a radio reporter to interview, is that correct?

Mr. Benz. Yes.

Mr. Lenzner. Those were the two instances you gave us?

Mr. Benz. Those were two of the instances; yes, sir.

Mr. Lenzner. That is all I have.

Senator Ervin. Senator Montoya was in the telephone booth.

Senator Montoya. I am ready now, Mr. Chairman.

Senator Ervin. Yes; you may proceed. Senator Montoya. Mr. Benz, you have made a lot by way of motivation of the existence of dirty tricks during the 1970 campaign, and you have failed to produce any evidence or specific instances of dirty tricks, but I want to ask you this question: Assuming that there were instances of dirty tricks during any Democratic campaign in Florida in 1970, do you feel that this justifies you in maligning or vilifying honorable men who are seeking the Presidency of the United States?

Mr. Benz. Not completely, Senator. But if somehow my actions, if it helped to clean up the system of politics, I think it could be justi-

Senator Montoya. Now, assuming that you would have similar feelings about murder being committed by individuals, would you attempt to commit murder in order to justify or clean up such conditions?

Mr. Benz. No. sir.

Senator Montoya. All right. Doesn't the same analogy apply?

Mr. Benz [conferring with counsel]. It should.

Senator Montoya. Well, does it?

Mr. Benz [conferring with counsel]. I think we are talking about

oranges and apples, Senator.

Senator Montoya. Well, I don't think so. I think we are talking about human beings, and we are talking about the dignity of human beings. We are talking about the free electoral process. We are talking about the American people who deserve the truth in political campaigns. Don't you think that they deserve some consideration?

Mr. Benz. A hundred percent.

Senator Montoya. Why didn't you give them that consideration?

Mr. Benz. I felt that I was, sir.

Senator Montoya. You felt that you were giving them that consideration by spreading lies about Senator Jackson and Senator Muskie? Mr. Benz. I believe I have given my testimony as to why—what my

justification was, Senator.

Senator Montoya. Is that what you call giving consideration to a free people under a free electoral process under our constitutional

Mr. Benz. I think I have answered that question, Senator.

Senator Montoya. No; you haven't.

Mr. Benz. Do you want me to repeat it?

Senator Montoya. Yes.

Mr. Benz. I feel if my actions in any way would have cleaned up the political system, then I think that I have contributed something, Senator.

Senator Montoya. What makes you think that you would be the great American vehicle for purity in politics after what you did?

[Laughter.]

Mr. Benz. I don't think I would be a great American vehicle but if I did play some small role that would help out in that area.

Senator Montoya. Well, do you feel that your role has been small?

Mr. Benz. Yes, sir.

Senator Montoya. Do you feel it has been great? Mr. Benz. No, sir; I believe it has been small.

Senator Montoya. In what way, now? Explain yourself.

Mr. Benz. I just do not see the importance of my activities, Senator. Senator Montoya. Well, just explain how small your role has been and what you have contributed to purify politics in America.

Mr. Benz. If my actions in any way would cause a deterrent to actions of this type, then I believe that in a small way it would

Senator Montoya. Do you encourage the participation of young people in a similar role such as you performed with respect to our election campaigns in the United States?

Mr. Benz. No, sir; I discourage that.

Senator Montoya. Therefore, you are telling me that since you do not recommend that, it is not a very desirable role for anyone?

Mr. Benz. That is correct.

Senator Montoya. Let us go into how you hired Miss Patricia Griffin. Where was she from?

Mr. Benz. Tampa. Senator Montoya. Was she a lifelong resident of Tampa?

Mr. Benz. No, sir.

Senator Montoya. Was she from South Carolina?

Mr. Benz. I believe she was, sir.

Senator Montoya. Did she know Harry Dent?

Mr. Benz. I don't—I never saw—I wouldn't know that, sir.

Senator Montoya. Did she ever speak to you about Harry Dent?

Mr. Benz. Yes; yes, sir.

Senator Montoya. She did. In what vein?

Mr. Benz. I believe that she had known him in South Carolina

politics.

Senator Montoya. And did she indicate to you how recently, after you talked to her for the first time in Tampa, she had seen Harry Dent?

Mr. Benz. I don't recall today, sir.

Senator Montoya. What conversation did you have with her with respect to Harry Dent?

Mr. Benz. I think we have covered pretty much what I recall of the

conversation, Senator.

Senator Montoya. Did you know at the time who Harry Dent was? Mr. Benz. Yes, sir.

Senator Montoya. Who was he?

Mr. Benz. I believe he was a White House counsel.

Senator Montoya. How long had she been in Tampa at the time that you communicated with and hired her?

Mr. Benz [conferring with counsel]. I don't recall, Senator, how long she had been in Tampa.

Senator Montoya. What particular justification did you present

to her in hiring her and in offering her \$75 a month?

Mr. Benz. It would be on behalf of President Nixon's reelection. Senator Montoya. Was she working full time at the Muskie headquarters?

Mr. Benz. Not at that time when I approached her.

Senator Montoya. Did she at any time?

Mr. Benz. Yes, sir.

Senator Montoya. And do you know whether or not she was being paid by anyone else to work in there—

Mr. Benz. No, sir.

Senator Montona [continuing]. And supplementing her income of \$75 a month?

Mr. Benz. All I know of was this \$75 a month that I gave her. Senator Montoya. What about Miss Eselene Frohlich? What did you tell her by way of justification for hiring her?

Mr. Benz. Probably the same thing, Senator.

Senator Montoya. And how long did she work in the Jackson campaign?

Mr. Benz. A few months or so, Senator.

Senator Montoya. She was being paid \$50 a month?

Mr. Benz. That is correct.

Senator Montoya. Was she a vounteer in the Jackson campaign?

Mr. Benz. That is correct

Senator Montoya. Now, is it your feeling that in view of what you have done, that you have let go of your dignity and decency as an individual?

Mr. Benz. No, sir.

Senator Montoya. Have you done anything to restore it since you performed these acts in the political campaign?

Mr. Benz. I had not known that I lost it, Senator.

Senator Montoya. You feel that you have not?

Mr. Benz. That is correct.

Senator Montoya. You feel that you have done the proper thing?

Mr. Benz. I felt like I did what I should do.

Senator Montoya. And as you look back in retrospect you still say that you did the right thing?

Mr. Benz. Not the right thing, Senator. Senator Montoya. Or the proper thing?

Mr. Benz. It was not the proper thing, it was a thing that I felt that I should do.

Senator Montoya. Thank you, Mr. Chairman.

Senator Ervin. Senator Weicker.

Senator Weicker. Do you think that Congressman Cramer lost the 1970 election because of Democratic dirty tricks?

Mr. Benz. No. sir.

Senator Weicker. Do you think he lost the election because of a bad split in the Republican Party in Florida?

Mr. Benz. That probably contributed to the loss, Senator.

Senator Weicker. What contributed to the loss?

Mr. Benz. Excuse me?

Senator Weicker. The split in the Republican Party?

Mr. Benz. I believe that was one of the factors, Senator.

Senator Weicker. Not Democratic dirty tricks?

Mr. Benz. I think that there were—I believe the Democratic dirty tricks was in the area of that split.

Senator Weicker. You think they were responsible for his loss?

Mr. Benz. Not completely, Senator.

Senator Weicker. Well, which is it? You initially said "No" and

now you say "not completely."

Mr. Benz. I believe that the split between Republican politics during 1970 was a contributing factor. I also believe that the dirty tricks was a contributing factor in the split.

Senator Weicker. All right. Let me just ask you one last question. While you were doing these things which you have testified to, did you

enjoy doing them at that time?

Mr. Benz. Some of them I did. Some of them I thought were

humorous.

Senator Weicker. Would it be improper for me to suggest then, that the reason for doing these things was the fact that you enjoyed doing them rather than——

Mr. Benz. No, sir.

Senator Weicker [continuing]. Than the higher motive than can relate to the Republican Party?

Mr. Benz. No. sir.

Senator WEICKER. I still fail to find any reason, based in 1970, on your actions on the fact situation at that time, to go ahead and have that as your justification and, very frankly, I think I know Republicans of Florida fairly well, and certainly the Senator who sits with me on this committee, he certainly does not subscribe to what you throw out here and I am certain the people that I know in Florida would not either.

I have no further questions, Senator.

Senator Ervin. Senator Baker.

Senator Baker. Mr. Chairman, I apologize to you and to the committee that other Senate business has required me to be in other committees today. I haven't had a chance to follow the testimony of this witness, and rather than prolong the proceedings by trying to pick up the speed on what has already been asked and run the risk of repetition, I will forego my opportunity to question him.

Senator Ervin. I have one last question I would like to ask him. Is it fair to infer from your testimony that you believe that the way

to clean up politics is to make it more filthy?

Mr. Benz. No, sir. I believe I stated before the way that I felt would

be the proper start, Senator.

Senator Ervin. Well, I just didn't know whether it was fair to infer that from your testimony or not and I wanted to have your view whether it was.

I have no further questions.

Do you have anything further you want to say?

Mr. Benz. No. sir.

Senator Ervin. The committee will stand in recess until Tuesday morning at 10 o'clock.

[Whereupon, at 3:47 p.m., the committee recessed, to reconvene at 10 a.m., Tuesday, October 9, 1973.]

## TUESDAY, OCTOBER 9, 1973

## U.S. SENATE, SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES, Washington, D.C.

The Select Committee met, pursuant to recess, at 10:15 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr., chairman.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker,

Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Jed Johnson, investigator; Terry F. Lenzner, assistant chief counsel; Marc Lackritz, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, Michael J. Madigan, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Bruce Jaques, Jr., office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator Baker [presiding]. The committee will come to order. The chairman has been unavoidably detained and will be here shortly. Senator Inouye asked me to indicate that the Commerce Committee is in executive session today and that he has the responsibility for a num-

ber of bills that are being considered in that session.

The chairman should be here within the next 15 to 30 minutes and at that time I will have to leave in order to manage amendments to the strip mine bill on the floor of the Senate. The witness has now arrived and before we proceed with that, I understand counsel has an affidavit that he wishes to present for the record at this time.

Mr. Dash. Yes, Mr. Chairman. In accordance with our rule 26 which reads that any person whose name is mentioned or who is specifically identified and who believes the testimony or other evidence presented at a public hearing or comment made by the committee member or counsel tends to defame or otherwise adversely affect his reputation may either request to appear personally or file a sworn affidavit of fact relevant to the testimony, Mr. Mitchell Rogovin, counsel for the Institute of Policy Studies, has under this rule submitted an affidavit which I would like, Mr. Vice Chairman, to read into the record. It is an affidavit of Mitchell Rogovin, made in the city of Washington, District of Columbia.

Mitchell Rogovin, being duly sworn, deposes and says:

1. I am a partner in the law firm of Arnold and Porter, 1229 19th Street, Northwest, Washington, D.C. 20036, a member of the Bar of the District of

Columbia, and general counsel to the Institute for Policy Studies ("the Institute").

2. The Institute is a nonprofit District of Columbia corporation which is exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 as a charitable and educational organization, and which is not a "private foundation" under the Code. The Institute engages in research into public policy matters and is engaged in the training and education of individuals through its Ph. D. program. The Institute engages in no "political activities" that are forbidden under the Internal Revenue laws.

3. In testimony before the Senate Select Committee on Presidential Campaign Activities on Wednesday, September 26, 1973, Mr. Patrick Buchanan, in the course of his testimony, made several false allegations concerning the

Institute.

4. In his testimony, Mr. Buchanan stated that the Ford Foundation "provides funds" for the Institute for Policy Studies, that the Institute was a "beneficiary of Ford Money," and that the Institute, "of course, is Ford-funded." Mr. Buchanan sought to leave the impression that the Institute's funding has come primarily or in large part from the Ford Foundation.

5. In fact, the only funds the Institute has received from the Ford Foundation consisted of a 1-year grant of \$7,800 received in 1964 for the specific purpose of holding seminars on the subject of the Alliance for Progress. This grant was

a very minor source of funding for the Institute.

6. Mr. Buchanan stated that the Institute "holds seminars for Congressmen, for staffers, and the like, and they [the Institute] deal in trying to influence Congressmen and the like to vote in one direction.'

7. In fact, the Institute has held conferences and seminars which have been attended by, among others, Congressmen and their assistants, but at no time has the Institute attempted to influence the votes of Congressmen.

8. Mr. Buchanan asserted that the Institute "funded the Quicksilver Times," which he described as a "radical underground newspaper, which has a political point of view and which is sold for profit." Mr. Buchanan stated further that since he was familiar with the Quicksilver Times as a "commercial venture, it would seem to me that this [alleged funding by the Institute] would be an illicit use of tax-exempt funds." In the same sentence, Mr. Buchanan implied that the Institute had used Ford Foundation money to fund the Quicksilver Times.

9. In fact, the Institute has never funded the Quicksilver Times. To the best of my knowledge and belief, the Washingtonian magazine article cited by Mr. Buchanan does not state that the Institute ever funded the Quicksilver Times.

10. The names of the Institute for Policy Studies and its Codirectors, Marcus Raskin and Richard Barnet, have been mentioned in the course of the hearings before the Senate Select Committee in connection with the so-called list of "enemies" of the Administration, against whom certain Administration officials urged that the resources of various government agencies be applied. In addition, an exhibit referred to during Mr. Ehrlichman's testimony, the Krogh-Young memo to Ehrlichman of August 11, 1971, indicates that both Raskin and Barnet were "overheard."

11. The Institute has been the subject of an audit by the Internal Revenue Service ever since the Nixon administration took office. The latest audit began in January of 1970, apparently as part of the IRS "Special Service Group" program. The scope and nature of the audit can hardly be described as routine.

12. At present, the Internal Revenue Service, using quite unusual procedures, has proposed to revoke the Institute's tax exemption. The grounds for revocation do not include any of the alleged activities mentioned by Mr. Buchanan, but rather concern charitable and educational activities of the Institute which are indistinguishable from the activities of other institutions of higher learning in the United States, but which do involve viewpoints differing sharply from those of the administration.

13. It appears that the Internal Revenue Service in this case has not followed Mr. Buchanan's professed belief that educational organizations which study social issues but which do not engage in political activities should be permitted to maintain their tax exemption regardless of whether they are considered "liberal" or "conservative."

14. The Institute has learned from a former FBI informant that the FBI on several occasions has infiltrated the Institute for Policy Studies with agents and informants and on at least one occasion joined with a member of the Metropolitan Police Department in the theft of documents from the Institute.

15. We have also been advised by a former special agent of the FBI that the FBI has improperly secured the bank records of the Institute without the use of legal process.

16. The Institute has evidence of illegal surveillance of the Institute by governmental agencies by means of wiretapping, electronic surveillance, and breaking

and entering

17. Representatives of the Institute will be able to supply you with further details of these activities. Signed Mitchell Rogovin, subscribed and sworn to before me this 3d day of October, 1973; Lois M. Clementz, Notary Public.

Senator Baker. The affidavit will be received as a part of the record under rule 6 of the committee's standing rules. The Chair would indicate that since the affidavit as in the case of all affidavits is not subject to cross-examination and since from the reading of it, it would appear that some information is based on other sources, if any member of the committee desires other information or to proceed with the matter further, of course, under the standing rules of the committee we would pursue that in whatever manner seemed appropriate. If there is no objection then the affidavit, as read, will be made part of the record.

Our first witness this morning has arrived and if he would hold up his right hand I will administer the oath before we proceed with the matter of immunity order.

Would you please state your name? Mr. Buckley. John R. Buckley.

Senator Baker. Mr. Buckley, do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Buckley. I do.

Senator Baker. You may be seated.

Mr. Buckley, we have before us a certified copy of an order over the signature of Judge John J. Sirica, chief judge of the U.S. District Court for the District of Columbia filed October 9, 1973, and bearing docket number miscellaneous 70–73 entitled "In the Matter of the Application of the U.S. Senate Select Committee on Presidential

Campaign Activities."

This order confers use immunity on the application of this committee under the relevant sections of the United States Code, particularly title 18, sections 6002 and 6005, and the mandate of the order is that you, the witness, in accordance with those provisions shall not be excused from testifying or providing other information before the committee on the ground that the testimony or other information sought may tend to incriminate you.

If there is no objection on the part of the committee the order of immunity will be incorporated in the record as part of our official

proceeding.

Mr. Witness, do you understand the nature and intendment of that order?

Mr. Buckley. I do.

## TESTIMONY OF JOHN R. BUCKLEY, ACCOMPANIED BY KENNETH D. WOOD, COUNSEL

Senator Baker. Very well, would counsel then proceed with the examination of the witness?

Mr. Dash. Yes, Senator Baker.

Mr. Rufus Edmisten, deputy chief counsel, will initially question the witness.

Mr. Edmisten. Mr. Buckley, for the record, please state your name

and address.

Mr. Buckley, John R. Buckley, 13410 Grenoble Drive, Rockville, Md.

Mr. Edmisten. You are represented by counsel. Would counsel identify himself?

Mr. Wood. My name is Kenneth D. Wood, and I am a member of

the District of Columbia Bar.

Mr. Edmisten. Mr. Buckley, what is your present employment status?

Mr. Buckley. I am retired.

Mr. Edmisten. When did you first begin Government service?

Mr. Buckley. I had Government service in the Navy during World

Mr. Edmisten. What agency did you first work for in the Federal Government?

Mr. Buckley. The FBI.

Mr. Edmisten. When did you retire?

Mr. Buckley. In 19—this year, June 30. Mr. Edmisten. Then you were employed where?

Mr. Buckley. After I retired?

Mr. Edmisten. After retirement from the FBI?

Mr. Buckley. I have no employment at the present time. I have-

Mr. Edmisten. No; after you retired from the FBI? Mr. Buckley. I resigned from the FBI in 1964. Mr. Edmisten. And then you were employed where?

Mr. Buckley. For a period of about a year I was self-employed in the District of Columbia.

Mr. Edmisten. Then you were employed where after that?

Mr. Buckley. After that I was employed by the House Education and Labor Committee, House of Representatives.

Mr. Edmisten. In what capacity there, what were your functions, your duties?

Mr. Buckley. I was chief investigator for the minority of that committee, and had duties as counsel on poverty matters.

Mr. Edmisten. Now, when you left the House committee in 1969, Mr.

Buckley, where were you employed then?

Mr. Buckley. I then went to the Office of Economic Opportunity as the director of the inspection division.

Mr. Edmisten. How did you obtain your job there?

Mr. Buckley. It was an appointment by the director, then Donald Rumsfeld.

Mr. Edmisten. Had he known you before?

Mr. Buckley. He had known me by virtue of two or three contacts in the House of Representatives.

Mr. Edmisten. Now, what were your duties at OEO?

Mr. Buckley. I supervised a squad of 30 to 50 inspectors and supporting staff in inspections and investigations of irregularities and noncompliance of OEO guidelines, in grantee contract programs.

Mr. Edmisten. And that, then, involved a good deal of investigative work and I am sure you drew upon your former work as an investiga-

tor there.

Mr. Buckley. Yes.

Mr. Edmisten. Is that correct?

Mr. Buckley. That is correct.

Mr. Edmisten. Now that certainly could be called a full-time job, could it not, Mr. Buckley?

Mr. Buckley. Yes, sir.

Mr. Edmisten. When did you leave the OEO?

Mr. Buckley. June 30, 1973.

Mr. Edmisten. What was your reason for leaving?

Mr. Buckley. I was retired.

Mr. Edmisten. Now, Mr. Buckley, during the years between your retirement from the FBI and your employment by the OEO, I think the record shows—at least your interview shows that you worked for several political campaigns. One of them, I believe, was Mr. Cecil Underwood's campaign in 1964 for Governor of West Virginia.

Mr. Buckley. That is right.

Mr. Edmisten. What did you do in that campaign?

Mr. Buckley. I was involved in investigating situations in West Virginia for the Republican candidate for governor.

Mr. Edmisten. I think we noted that you also worked for a gubernatorial campaign in North Carolina, Mr. Jim Gardner.

Mr. Buckley. I did.

Mr. Edmisten. What did you do for Mr. Gardner?

Mr. Buckley. In 1968, on September 2 and very previous occasions, I investigated allegations that Mr. Gardner was concerned about.

Mr. Edmisten. Did Mr. Gardner ask you to go to North Carolina?

Mr. Buckley. Yes, sir.

Mr. Edmisten. Were you employed at that time by the House committee ?

Mr. Buckley. I was.

Mr. Edmisten. I take it this was on your own time?

Mr. Buckley. It was. It involved 2 weekends, with probably a Friday or a Monday connected with each.

Mr. Edmisten. Did you investigate in North Carolina?

Mr. Buckley. I investigated, and documented a situation in a State institution for juveniles involving a rape of one of the inmates by the counselors in the institution.

Mr. Edmisten. When did you do another investigation?

Mr. Buckley. Subsequently, after the election, we examined voting

registrations and voting in the Durham, N.C., area.

Mr. Edmisten. And Mr. Buckley, during the course of your employment with the House committee, did you meet a man named Kenneth Rietz?

Mr. Buckley. Yes, sir, I did.

Mr. Edmisten. What was your association with Mr. Rietz at that time?

Mr. Buckley. I first met Ken Rietz in probably January of 1967 and he at that time was an aide to a Congressman who was on the Education and Labor Committee and had an office directly near mine.

Mr. Edmisten. What was the basis of your continued relationship with Mr. Rietz during the House—did you see him often? Were you well acquainted with him? Was he a friend or what?

Mr. Buckley. In connection with committee business, I would have occasion to see Mr. Rietz and his Congressman several times during the

session in consideration of manpower and poverty bills, bills under the jurisdiction of the House Education and Labor Committee.

Mr. Edmisten. Now, did you receive a call from Mr. Ken Rietz in

late July or early August of 1971?

Mr. Buckley. Yes, sir.

Mr. Edmisten. Why did he call you?

Mr. Buckley. He called me to extend an invitation to go to lunch.

Mr. Edmisten. Did you go to lunch?

Mr. Buckley. Yes, we did.

Mr. Edmisten. You had a discussion with him. What did he ask

of you or tell you at that luncheon?

Mr. Buckley. He indicated at that time that he was in charge of youth activity, the youth vote, for the Committee To Re-Elect the President and in addition to that, he had a responsibility to determine, as far as he could, the location and general activities of Senator Muskie's campaign headquarters.

Mr. Edmisten. Now, Mr. Buckley, you just mentioned that Mr. Rietz had known you in the House. Why you, of all people, would Mr. Rietz call you and ask you to help formulate a plan, knowing full well that you were employed at OEO. What basis did he have to call you

and ask for your assistance?

Mr. Buckley. I cannot speak for Mr. Rietz, but I would assume that he was familiar with my background as an investigator and that we had at one time or another a discussion of political campaigns or political investigations.

Mr. Edmisten. You said that Mr. Rietz asked you to come up with

some proposals or a plan. Did you come up with a plan?

Mr. Buckley. He asked me if I would help him ascertain where the Muskie headquarters were, who the volunteers, what the staff was, who comprised the staff, and generally what the candidates itinerary would be in the ensuing months.

Mr. Edmisten. Did you formulate a plan to help him do that?

Mr. Buckley. Not at that time. I suggested that there were many standard ways that one gets a volunteer into an opponent's campaign and suggested that a clerk or a stenographer or a member of the press or one posing as a member of the press would very easily ascertain the things that he was interested in, most of which I considered to be public information.

Mr. Edmisten. But did Mr. Rietz think those proposals were good

plans, without planting a press person or campaign aide?

Mr. Buckley. I do not believe at that point that anything specific was suggested. He indicated that something of that nature might be satisfactory.

Mr. Edmisten. Did you finally come up with a definite plan for

Mr. Rietz?

Mr. Buckley. Yes, I did.

Mr. Edmisten. What was that plan?

Mr. Buckley. Subsequent to that meeting, there appeared in a local newspaper a column indicating that Senator Humphrey had had two taxicab rides on a particular day and neither of the cab drivers would accept a fare from him. That appears, if I may, in the September 27 issue of the Washington Star.

Mr. Edmisten. 1971?

Mr. Buckley. 1971.

Mr. Edmisten. Written by Mr. Morris Siegel?

Mr. Buckley. Yes, sir.

Mr. Edmisten. Mr. Chairman, the witness has identified the document. I would like to have it included in the record.

Senator Ervin [presiding]. Without objection, the article will be received as an exhibit and appropriately numbered as such.

[The article referred to was marked exhibit No. 227.\*]

Mr. Edmisten. I will read this article. It says:

On the other hand, Hubert H. Humphrey, who, incidentally, didn't make it working with Bob Short either, apparently doesn't miss anything that went with being No. 2 except his chauffeur-driven car, if he misses that. He cabbed it over to a luncheon with editors the other day and once the hack driver discovered who his distinguished passenger was he wouldn't accept any money for the fare. "No way, Senator, I'm gonna take any money from you. You ought to be President," he said proudly when Humphrey offered him money. On the return trip to Capitol Hill, Humphrey got into another cab and it was the same story all over again. Now, if somebody will come along and offer Humphrey an airplane ride in a reasonable facsimile of Air Force One, he might not even miss being President.

Is that what prompted you to come up with your plan?

Mr. Buckley. That suggested something to me.

Mr. Edmisten. All right. Now, did Mr. Rietz approve of that plan? Mr. Buckley. Well, I had not drawn the plan for him at that time. I had been acquainted for years with a semiretired cabdriver who

a had been acquainted for years with a semiretired cabdriver who was interested in some kind of employment that would give him a weekly wage and I discussed with him the possibility of his volunteering in the campaign committee of Senator Muskie and he suggested that he would, and Rietz approved the plan subsequently.

Mr. Edmisten. Who was this cabdriver? Identify him, please. What

was his name?

Mr. Buckley. May I speak with counsel, please? [Conferring with

counsel.

Mr. Chairman, we have identified the name of this cabdriver on at least two or three occasions to the members of your staff. Would the committee consider withholding his name from public identification at this point?

Mr. Edmisten. It is rather general knowledge, Mr. Chairman. I

think it has been printed in several papers.

Senator Ervin. Well, I think the committee would be disinclined to suppress any truth at all in this investigation, even if the truth might prove embarrassing to somebody.

Mr. Buckley. I mention that because this man is of advanced age.

He has been ill and that is the reason that I request it.

Senator Ervin. Well, I sympathize with him, but I do not know any reason why the committee should suppress the truth.

Mr. Edmisten. Would you identify the cabdriver's name, Mr. Buckley?

Mr. Buckley. His name is Elmer Wyatt.

Mr. Edmisten. How did you become acquainted with Mr. Elmer Wvatt?

Mr. Buckley. I had known him for a prior 5 or 6 years, having seen him on some occasions, having used his cab on other occasions for transportation in the District.

<sup>\*</sup>See p. 4697.

Mr. Edmisten. Was Mr. Wyatt anxious to help you carry out your plan?

Mr. Buckley. He was willing.

Mr. Edmisten. Have you ever done any investigative work using Mr. Wyatt before, Mr. Buckley?

Mr. Buckley. I hadn't done any investigative work using him as

an aide; no, I had not.

Mr. Edmisten. All right. You contacted Mr. Wyatt and you told him the plan and you had approval from Mr. Ken Rietz?

Mr. Buckley. Yes; I did.

Mr. Edmisten. Now, what were the terms agreed upon, the amount of payment? What did you tell Mr. Wyatt you would pay him?

Mr. Buckley. If I may, at the initial meeting with Mr. Rietz, we discussed if a full-time volunteer was to be utilized for the purposes of reporting back to us that we would certainly expect to pay them a weekly salary, I estimated that to get any of the people that occurred to me on the first meeting, it would take between \$150 and \$200 a week. At that time, he wondered if \$1,000 a month would cover the whole thing and I expressed my thought that it would.

Mr. Edmisten. All right, so you were given assurances by Mr. Ken Rietz, of the Committee To Re-Elect the President that you

would get \$1,000 a month to take care of the program?

Mr. Buckley. Yes; providing it was successful and providing it could be continued or was feasible.

Mr. Edmisten. Now, how did Mr. Wyatt work himself into the

Muskie organization? Did he just walk in the door or what?

Mr. BUCKLEY. He walked into the Muskie campaign headquarters with the newspaper article and suggested to the person in charge of volunteers there that if cabdrivers could do it for Senator Humphrey, he would be willing to spend some time each day running errands for the Muskie campaign people.

Mr. Edmisten. Was he successful? Was he accepted as a volunteer

for the organization?

Mr. Buckley. He was.

Mr. Edmisten. Now, shortly after he began working with the Muskie

organization, what was he doing? What job did he get?

Mr. Buckley. He did a number of things, from what he told me. He took clothes to the cleaners and he took packages to the stationery store and things of that nature. But one assignment that was to become more or less regularly his was to carry messages from the Muskie campaign headquarters to the Senator's office on Capitol Hill.

Mr. Edmisten. So he would gather up, you say messages. I suppose that includes documents, letters, press releases, things of that nature, and place them in some container and carry them from Muskie's

headquarters here to the Senate?

Mr. Buckley. That is generally accurate.

Mr. Edmisten. Did you make an arrangement with him that he would call you after receiving the Muskie documents down there

and let you look at them?

Mr. Buckley. This, of course, took several weeks, probably 2 or 3 weeks, to begin this. An arrangement was made whereby he would call me when he was leaving the campaign headquarters and tell me that he was en route with a box of memorandums. Now, this would

require several things. It would require, No. 1, that he went in that day. It would require that there was not someone accompanying him, as frequently happened; that it not be raining, because the papers then would be wet; and that I be available. I frequently was not available when he called, and other times, would be involved in agency business and could not meet him.

Mr. Edmisten. So Mr. Wyatt would call you when you were avail-

able. Would he tell you to meet him somewhere?

Mr. Buckley. Meet him on the corner, on a nearby corner.

Mr. Edmisten. What would you do?

Mr. Buckley. I would proceed to meet him at 19th and L or 20th and M.

Mr. Edmisten. And then you proceeded to do what?

Mr. Buckley. Then we would drive for a couple of blocks and I proceeded to look at the memorandums that were in the box.

Mr. Edmisten. All right. After you looked at the memorandums and you determined that you might want some of them what did

you do then?

Mr. Buckley. I tried unsuccessfully for one or two of these meetings to photograph itineraries and memorandums that were in the box. It was not a successful effort. The light was inappropriate, my equipment was not suitable.

Mr. Edmisten. Where were you attempting to do this photograph-

ing, in the car?

Mr. Buckley. In the back seat of the taxi.

Mr. Edmisten. Well, that was rather awkward, was it not? Mr. Buckley. I don't understand. Awkward in what way?

Mr. Edmisten. Awkward to get the job done.

Mr. Buckley. It certainly was not suitable. It didn't get the job done.

Mr. Edmisten. Mr. Buckley, at any time, did you have to open any

envelopes to procure the documents that you wanted?

Mr. Buckley. No sir. One of the rules that we had from the time we started, and one of the rules that I made clear to Rietz and the cabdriver, was that at no time would any mail or any envelopes be delayed or be handled or be tampered with in any fashion. And they weren't.

Mr. Edmisten. You just described having difficulty making photographs of the metarials in the healt of the car and different places.

graphs of the materials in the back of the car and different places.

What did you do to try to improve your operation?

Mr. Buckley. Subsequently, I rented an office which was located near the Muskie campaign committee and at about the same time, I purchased some new equipment and some lights which would be more effective in document copying.

Mr. Edmisten. Where was this office?

Mr. Buckley. It was at 1026 17th Street, NW.

Mr. Edmisten. From whom did you rent that office?

Mr. Buckley. I rented that from the managing company that was on the ground floor.

Mr. Edmisten. Did they ask you what you wanted it for? Mr. Buckley. No, I rented it in my own name as an attorney.

Mr. Edmisten. OK. Now, we have some equipment over here that we would like to show you. If you could describe to the committee how your operation went, it would be helpful.

Mr. Buckley, did you purchase this equipment from a commercial camera shop?

Mr. Buckley. Yes, I did.

Mr. Edmisten. Which camera shop?

Mr. Buckley. I purchased it at the Penn Camera Shop on 10th Street, I believe, 10th or 11th.

Mr. Edmisten. Do you have an invoice copy dated October 22, 1971?

Mr. Buckley. We do.

 ${\bf Mr.~Edmisten.}$  Do you agree that this is an invoice copy describing that equipment ?

Mr. Buckley. I agree that it is.

Mr. Edmisten. Mr. Chairman, could we have this placed in the record, since the witness has identified it?

Senator Ervin. If there is no objection, the document will be received in evidence as an exhibit and appropriately marked as such.

[The document referred to was marked exhibit No. 228.\*]

Mr. Edmisten. What is the total price, by the way, of the equipment you purchased at Penn Central?

Mr. Buckley. \$413.70.

Mr. Edmisten. Does that include all the equipment there?

Mr. Buckley. That is on the sheet?

Mr. Edmisten. Yes.

Mr. Buckley. No; there are a couple of pieces that aren't on here.

These are not on here. This is an enlarger, and this is a developing tank. They are not on the list.

The list includes a stand and a camera and some film.

Mr. Edmisten. Where did you get the money to purchase that equipment?

Mr. Buckley. I used some money that was given to me by Rietz on

a monthly basis to purchase this.

Mr. Edmisten. All right, describe your operation for us. Mr. Wyatt would bring in the material and you would rush up to the room, I take it?

Mr. Buckley. He would bring in the material in a box that looked to me like it was a stationery—an empty stationery box; the material was open in this fashion, was stacked in the box, thrown into the box, like this. The stationery box might include press releases, itinerary, internal memorandums, or perhaps drafts for speeches, maybe, or position drafts.

Mr. Edmisten. Well, I suppose at times, there were letters typed up for Senator Muskie's signature which were not enclosed in an envelope and you thereby could make photographs of that particular

letter?

Mr. Buckley. There could have been. I would have thought that they were in draft form, too. There were no letters that were signed or stamped or anything of that nature.

Mr. Edmisten. Did you run across a list of contributors at times?

Mr. Buckley. No; I don't recall that I did.

Mr. Edmisten. Did you ever run across a list of people who visited the Muskie headquarters?

Mr. Buckley. No, sir.

Mr. Edmisten. After you would receive the box of material and you would go through it and determine what was relevant to your purposes, how did you use that machine?

<sup>\*</sup>See p. 4698.

Mr. Buckley. There would be times when there was nothing rele-

vant in the box and we wouldn't take any pictures.

This is a camera, of course, this is a copy stand. These lights light up the base of it. A document in this fashion would be photographed thusly [indicating].
Mr. Edmisten. All right. After taking the film, would you develop

it yourself?

Mr. Buckley. Yes, I would.

Mr. Edmisten. Where?

Mr. Buckley. I would develop it at home.

Mr. Edmisten. Now, once the film was developed, what did you do

Mr. Buckley. Once the film was developed, I would deliver it to Ken Rietz and subsequently to another individual.

Mr. Edmisten. Now, how did you arrange to meet Mr. Rietz and

where did you meet him?

Mr. Buckley. I would call Rietz every 9 or 10 days, when I had a roll of film or two rolls of film, and I would tell him that I had some film for him and would deliver it to him at a corner near the Committee To Re-Elect the President.

Mr. Edmisten. Do you recall what that corner was?

Mr. Buckley. It was different corners. It was 17th and Pennsylvania, 18th and Pennsylvania.

Mr. Edmisten. In turn, did Mr. Rietz turn over money to you for your services when you would deliver the film to him?

Mr. Buckley. Once a month.

Mr. Edmisten. Did he ever discuss with you what he was going to do with that film?

Mr. Buckley. No, sir, he did not.

Mr. Edmisten. Do you have any idea what he was doing with it?

Mr. Buckley. I do not. He mentioned on one occasion early that there was someone assigned to analyze the material, and I do not know who that someone was.

Mr. Edmisten. Finally, did Mr. Rietz start appearing late and seem

somewhat uninterested in your material?

Mr. Buckley. Almost from the first. He was late, there were occasions he did not come, to the point that I discussed it with him and told him that if he couldn't be punctual, I wasn't going to continue with it.

Mr. Edmisten. All right, you gave him an ultimatum, if he did not show up he was going to have to get somebody else, is that right?

Mr. Buckley. That is right.

Mr. Edmisten. Who did show up?

Mr. Buckley. He indicated shortly after that that there would be someone else who would be contacting me, that the someone else was a man by the name of Ed Warren, and that the first meeting he would meet me in front of the Roger Smith Hotel at 18th and Pennsylvania A venue.

Mr. Edmisten. Did you meet with Mr. Ed Warren?

Mr. Buckley. I did.

Mr. Edmisten. Did you have any idea who he was?

Mr. Buckley. I did not at the time. I subsequently recognized, after the Watergate arrests and pictures of Howard Hunt were in the paper that he was the individual that I had been meeting with during the months in 1972.

Mr. Edmisten. How many times do you figure you met with Mr. Ed Warren?

Mr. Buckley. I would estimate twice or three times a month for

about 4 months.

Mr. Edwisten. How did you identify yourself to Mr. Ed Warren? Mr. Buckley. I identified myself to him under an assumed name, I used the name Jack Kent.

Mr. Edmisten. Jack Kent? Mr. Buckley. K-e-n-t.

Mr. Edmisten. Mr. Hunt was on the witness stand the other day and he referred to you as "Fat Jack." How did that come about?

Mr. Buckley. I have no idea. I never heard that name until a month or 6 weeks ago, until Mr. Rietz in a conversation told me that they referred to me, they, meaning Hunt, I suppose, and others as Fat Jack, that was the first time I heard of it.

Mr. Edmisten. So your assumed name was Jack Kent?

Mr. Buckley. That is right.

Mr. Edmisten. Why did you pick that name?

Mr. Buckley. I can only guess that Kent cigarettes suggested it to me. I had no reason to select it.

Me. I had no reason to select it.

Mr. Edmisten. Describe your meetings with Mr. Warren. Did you talk a good deal with him or what transpired? Did you just take him the film and walk away or not?

Mr. Buckley. No; they were very formal or very short. I do not think he trusted me completely and I did not trust him. It was merely a matter of delivering the envelope and setting the day. No coffee, no conversation of any length at all.

Mr. Edmisten. It might be described then as a meeting of two spies

who did not really trust one another?

Mr. Buckley. I suspect so.

Senator Baker. Mr. Chairman, could we move that material, I mean, it is impressive equipment, I am sure, but I cannot see the witness.

Mr. Dash. We are through with it.

Mr. Edmisten. Now, Mr. Buckley, after you had met with Mr. Ken Rietz for a while, you met with Mr. Warren for a while. When did

the project finally terminate, and what caused it to terminate?

Mr. Buckley. The project terminated when Senator Muskie announced his withdrawal from the race—the nomination—and to the best of my recollection, it was in April of 1972, and it had for previous weeks sort of dwindled, our activity and his interest decreased as the position of Senator Muskie became worse or it became more apparent that he would not be the successful nominee.

Mr. Edmisten. How were you notified that you were to cease your

operations?

Mr. Buckley. We had discussed it as the primaries developed and indicated that we would terminate if Senator Muskie withdrew.

Mr. Edmisten. After Senator Muskie fell in the polls, were you asked to infiltrate the McGovern campaign in the same manner?

Mr. Buckley. No, sir, I was not.

Mr. Edmisten. All right. Thereafter, Mr. Buckley, did you perform any other services for the Committee To Re-Elect the President? Mr. Buckley. No, sir.

Mr. Edmisten. Have you since that time?

Mr. Buckley. I do not think so.

Mr. Edmisten. What did Mr. Wyatt, the cabdriver, do following his termination?

Mr. Buckley. He was not active in that any longer. I assumed that

he resumed his taxi business.

Mr. Edmisten. Have you talked to him since that time?

Mr. Buckley. Yes, I have.

Mr. Edmisten. Do you know that Mr. Wyatt had an interview with

the staff of the committee?

Mr. Buckley. I knew that—I became aware that the staff of the committee interviewed him early this summer. I did not become aware of it until after he had been interviewed, and he did call me that night and told me that he had been subpensed and that he had talked to a staff member and that he denied any involvement in any of this activity.

Mr. Edmisten. Did he tell you though, later that he did come back

and substantiate everything you said?

Mr. Buckley. He told me before he came back later that he was

asked to come back.

Mr. Edmisten. Now, Mr. Buckley, when you were working at the OEO you had a rather high position down there. Did anyone at the OEO know about any of your activities at any time regarding this?

Mr. Buckley. I do not think so. I am quite sure they did not.

Mr. Edmisten. Did they discover after the activity had occurred and was maybe brought to their attention?

Mr. Buckley. I do not think so, probably in the light of the recent

publicity.

Mr. Edmisten. You said you retired yourself, so this activity had nothing to do with your leaving OEO?

Mr. Buckley. No. sir.

Mr. Edmisten. How was it possible for you to be absent on those

occasions from your office without some word of explanation?

Mr. Buckley. The meetings involved—at the most about 35 to 40 minutes. We had a rule we would not be together for more than 15 minutes, the location was 6 or 7 minutes from my office building and it coincided with the lunch hour. It happened usually and most always between 11 and 12 o'clock.

Mr. Edmisten. Now the calls that you had received from Mr. Wyatt and from Mr. Rietz, did they cause anybody any concern at your

office?

Mr. Buckley. I have never heard anyone express concern.

Rietz' calls would be very infrequent. The Wyatt calls would, I am

sure, happen a couple of times a week.

Mr. Edmisten. I believe you indicated in your interview with the staff, Mr. Buckley, you were given around \$8,000 for this operation? Mr. Buckley. I base that on my recollection that we were involved

Mr. Buckley. I base that on my recollection that we were involved about 7 or 8 months. If it was 7 months it would be \$7,000, if it were 8 months it would be \$8,000.

Mr. Edmisten. Why don't you break that down to the committee?

What happened to that money?

Mr. Buckley. The money substantially went to the cabdriver. He received what money was not spent on equipment and film and expenses of that kind. In the early weeks, in light of the equipment pur-

chases, he was given \$150 a week. [Conferring with counsel.] And when the equipment had been purchased he was then given \$175 a week, and the rental of the office space was \$100 a month.

Mr. Edmisten. All right. So you are testifying that you did not

benefit one iota from any of this activity?

Mr. Buckley. No, sir, not any money to me. It is my recollection there were times when I spent some of my money in the operation.

Mr. Edmisten. Now, Mr. Buckley, let us go back to these boxes that you received from Mr. Elmer Wyatt. I know it is hard to reconstruct the details when you see lots of materials, but try to remember some of the documents you saw. You saw press releases, you saw itineraries?

Mr. Buckley. Yes.

Mr. EDMISTEN. You saw drafts of letters, well, documents that could have been letters?

Mr. Buckley. They were not signed, they were not stamped.

Mr. Edmisten. Well, it could have been a draft, a letter prepared, waiting for Senator Muskie's signature?

Mr. Buckley. It is possible. My recollection is that they were

rough draft letters.

Mr. Edmisten. Did you see letters coming to Senator Muskie from contributors?

Mr. Buckley. No; I did not. My recollection is that I did not.

Mr. Edmisten. Did you see drafts of speeches?

Mr. Buckley. There were drafts and very conceivably could be speeches or releases or position papers.

Mr. Edmisten. Well, you read them, didn't you? That was your

purpose?

Mr. Buckley. I glanced through them, I did not evaluate or analyze them.

Mr. Edmisten. How did you know what you were giving them if

you didn't read this material?

Mr. Buckley. I did say I glanced through them. If it pertained to an itinerary of the candidates or if it pertained to a press release on a particular topic, if it pertained to his position on an issue—what could be considered an issue, it was relevant, it was something that I would be interested in. If it did not, I would not photograph it.

Mr. Edmisten. So that was your criteria?

Mr. Buckley. Essentially.

Mr. Edmisten. In other words, you had to read every document that was in the box to determine which ones you were going to choose?

Mr. Buckley. I would not be argumentative with you. I did not read it all. It would take only a glance to determine that some of them would not fit into that category, any of those categories. I didn't have time to read a lengthy document. If it had a caption and it started out dealing with his itinerary it was something I was interested in. I would not have to read it all.

Mr. Edmisten. Have you come upon any evidence that any of your material ever appeared in any newspapers, the material that you col-

lected 8

Mr. Buckley. The only situation that I can respond to that is, it has been publicized that a Senator Muskie memo was forwarded to Evans and Novak and later put in their column. I do not recall see-

ing that memo but I do recall one instance in late 1971 that the cabdriver indicated to me that the people at the Muskie campaign headquarters were very much concerned and excited that an internal memo had been published in the paper. I feel that that probably was the memo but I don't recall photographing it. I conveyed my concern then to Rietz, indicating that it was not our purpose to be furnishing any internal memorandums of Senator Muskie to the newspapers or anybody else and if they were doing that with it that we would discontinue also. I felt it was an intelligence-gathering operation.

Mr. Edmisten. Well now, did you ever recall looking at any kind of a paper prepared by Senator Muskie relating to the nomination of

Mr. William Rehnquist?

Mr. Buckley. Yes, sir, I recall that draft and it was a draft, it was double spaced.

Mr. Edmisten. You photographed it?

Mr. Buckley. I photographed it.

Mr. Edmisten. Now, Mr. Buckley, you are a very experienced man, you have worked for the Government a long time, and I am sure you are very familiar with the Hatch Act, are you not?

Mr. Buckley. I am somewhat familiar with it.

Mr. Edmisten. Did you read the Hatch Act before engaging in that

activity?

Mr. Buckley. I have read the Hatch Act and I read it about that time. It was my feeling that the Hatch Act, which spells out activities which are prohibited and spells out activities that are permitted, was silent in this area. I didn't feel that the Hatch Act applied.

Mr. Edmisten. You know the Hatch Act reads that:

It shall be unlawful for any person employed in any administrative position by the United States or by any Department, independent agency or other agency of the United States-

And I will leave out the reference to a corporation—

to use his official authority for the purpose of interfering with or affecting the election or nomination of any candidate for the office of President, Vice President, and Presidential elector.

I emphasize the word "affecting."

Mr. Buckley. Affected or interfered with? Whatever interpretation is placed on that I didn't feel that it applied to me. I could not see that I was interfering with the election or the nomination of Senator Muskie.

Mr. Edmisten. If you had to look back over your activities, Mr. Buckley, do you think your activities were a waste of time? Did they do any good?

Mr. Buckley. I didn't hear the last of your question.

Mr. Edmisten. Did your activities reap any benefits for the purpose for which you began your activities, that is, not to affect the campaign of Muskie?

Mr. Buckley. Not as far as I am concerned in light of Senator Muskie's not getting the nomination. Had he been successful in getting the nomination, I would not have felt the time was wasted.

Mr. Edmisten. Well, what was your original purpose for engaging in that activity? Was it to affect the campaign of Senator Muskie?

Mr. Buckley. Was it to affect his campaign?

Mr. Edmisten. Yes.

Mr. Buckley. I didn't feel that. My purpose was to gather for Rietz and whoever else was interested in information concerning Senator Muskie's itinerary; what his position was on issues of the day and that type of thing.

Mr. Edmisten. Well, have you heard any word about whether or not you were in some way helpful to the Committee To Re-Elect the

President?

request.

Mr. Buckley. No, I haven't.

Mr. Edmisten. Do you think it was?

Mr. Buckley. Successful in the 1972 election? I don't feel that it was helpful to the election of the Republican candidate.

Mr. Edmisten. I just sit here and wonder why you took the job.

Mr. Buckley. Why I took the job?

Mr. Edmisten. Yes.

Mr. Buckley. That never occurred to me not to. Mr. Edmisten. Well, would you do it again?

Mr. Buckley. I wouldn't do it for a while. I don't think. [Laughter.] Senator Ervin. I am going to have to ask the audience to refrain from demonstrating in any way their reaction to anything which occurs in the hearing room. And I solicit their cooperation in this

Mr. Edmisten. I have one final question. Did you think you were

helping the Committee To Re-Elect the President?

Mr. Buckley. I suppose I did. I felt that I was furnishing a service to them that they needed, otherwise they wouldn't have asked me to. That didn't seem possible that they didn't know where Senator Muskie's headquarters were because I found that, I think in 60 seconds. But that was their request.

Mr. Edmisten. Thank you, Mr. Buckley. I have no further questions, Mr. Chairman.

Senator Ervin. Mr. Thompson.

Mr. Thompson. Thank you, Mr. Chairman.

Mr. Buckley, did you have contacts with anyone else at the Committee To Re-Elect except Mr. Rietz concerning your hiring of the cabdriver?

Mr. Buckley. Rietz and Howard Hunt.

Mr. Thompson. Did you ever discuss the matter with Bart Porter?

Mr. Buckley. No, sir, I do not know the man.

Mr. Тиомрзом. Did you ever discuss the matter with Jeb Magruder?

Mr. Buckley. No. sir.

Mr. Thompson. I believe you indicated that when Mr. Rietz first talked to you, he said that he had been given an assignment.

Did he say who had given him that assignment?

Mr. Buckley. No; he did not. He indicated that it was an additional responsibility of his.

Mr. Thompson. Did he ever tell you who was furnishing the money for the assignment?

Mr. Buckley. No. sir.

Mr. Thompson. Did you have any independent knowledge as to who was furnishing the money for the assignment?

Mr. Buckley. I did not.

Mr. Thompson. You have indicated some types of material that you viewed and photographed.

Was any of this material that was public material, that someone could go to the headquarters and obtain?

Mr. Buckley. The press releases and the itineraries were—the itin-

eraries frequently were published in press release form.

Mr. Thompson. Why was it necessary to go through these gyrations then to obtain it? Were you getting it earlier than you otherwise could have gotten it?

Mr. Buckley. I think so. Some of the press releases might be a day

earlier.

Mr. Thompson. The internal documents then I assume would not have been public knowledge at any time?

Mr. Buckley. I wouldn't think so.

Mr. Thompson. What I am interested in is, how you analyzed it yourself, having worked in political campaigns, what type of material would a campaign organization turn over to some person who just walked off the street and said he wanted to help as evidently this cabdriver did? Were you surprised at the confidentiality of any of the documents that you saw or were they things that were highly confidential?

Mr. Buckley. Some of it, they were not classified, of course, but a memo like the critical memo of, concerning the Rehnquist prospective appointment I thought was a sensitive document and was surprised

to see it there. Much of the material was not.

Mr. Thompson. Did Mr. Wyatt ever indicate that he had any

trouble obtaining any of these documents?

Mr. Buckley. No, my impression is that the box was given to him when he came in the morning and he merely carried it from there to the Hill.

Mr. Thompson. How long did he work there before he was entrusted

with this type document?

Mr. Buckley. Not long, a matter of 2 or 3 weeks.

Mr. Thompson. And who, in the organization, not a name in particular, but who in the organization turned these documents over to them, what position did that person hold?

Mr. Buckley. I don't know. I don't know the name; I can't recall

any of the names of the Muskie campaign people.

Mr. Thompson. You said you discussed with Mr. Rietz some alternative method of obtaining the information that you wanted to obtain. What alternative methods did you discuss, if you recall?

Mr. Buckley. They were generally in the nature of infiltration and penetration. They are methods that I consider standard, that I think most people in political contests know involve volunteers as clerks, volunteers as stenographers, volunteer press people, volunteer students, anyone who would ingratiate themselves with the opposition and gain access to some of them.

Mr. Thompson. So they all encompassed the fact, in effect, of sup-

plying volunteers to Muskie headquarters?

Mr. Buckley. I did suggest any others—I am sorry, I didn't.

Mr. Thompson. I say all of the ideas that you discussed encompassed the idea of supplying some type of volunteers to Muskie head-quarters?

Mr. Buckley. In the Muskie headquarters or in the Muskie campaign, road activity or out-of-town speeches, that kind of thing.

Mr. Thompson. You mentioned previously in connection with that when Mr. Edmisten was questioning you that some of this information would have been public knowledge. Had you discussed the possibility of just having someone assimilate what would be public knowledge as far as Mr. Muskie's position on issues were concerned or anything like that, or were you concerned about getting them before anybody else?

Mr. Buckley. I think the reason that I got, I didn't examine it that closely, I felt they weren't getting it anyplace else, that the Committee To Re-Elect the President had no access to that material as in

fact I got.

Mr. Thompson. You mentioned what you considered to be traditional campaign activity, and I am sure that will be further pursued, but I will not take any more time at this point, so I have no further questions at this time.

Thank you.

Senator Ervin. Senator Talmadge.

Senator Talmadge. Mr. Buckley, when and where did you first meet

Mr. Elmer Wyatt?

Mr. Buckley. Senator, I met him in the early sixties in Washington, D.C. At the time, he was driving a taxicab, and at the time, I was with the Federal Bureau of Investigation.

Senator Talmadge. Was there anything peculiar about the first

time you met him?

Mr. Buckley. Senator, my recollection is, and I have not verified this with Mr. Wyatt, that he was one of several people that we interviewed in connection with some arrests made in a gambling establishment.

Senator Talmadge. Was he playing cards in the gambling establish-

ment?

Mr. Buckley. My recollection is that he was there. I am not sure what he did. We did interview him and some others that were there as witnesses and they were released. There was not any——

Senator Talmadge. After that, you got to be good friends, I take

it.

Mr. Buckley. Over a period of years, I saw him occasionally.

Senator Talmadge. When you employed him to infiltrate the Muskie headquarters, what criteria were you looking for?

Mr. Buckley. As far as a person to infiltrate?

Senator Talmadge. Yes.

Mr. Buckley. In view of the Siegel article, a cabdriver that was available and would be willing to take that kind of assignment.

Senator Talmadge. Did you think a man that you had caught in a

gambling bust would be ideal for that sort of duty?

Mr. Buckley. Senator, he was the only one I knew that was available for this.

Senator Talmadge. Where did you keep the money that you used to finance Mr. Wyatt in his operations?

Mr. Buckley. I kept it in cash. I kept it in the office in my desk or in a safe. I kept it at home different times and used it as I had to.

Senator Talmadge. During all that period, you were a full-time Federal employee?

Mr. Buckley. Yes, sir.

Senator Talmadge. Under the Hatch Act?

Mr. Buckley. Yes, sir.

Senator Talmadge. I believe you stated that you did not think your duties were a violation of the Hatch Act?

Mr. Buckley. I did not think they were.

Senator Talmadge. Did you think theft was permitted by the Hatch Act?

Mr. Buckley. Theft, sir? Senator Talmadge. Yes.

Mr. Buckley. I did not give it any thought.

Senator Talmadge. You did not know that that was specifically—you thought that was permitted by the Hatch Act?

Mr. Buckley. I had no reason to consider it theft under the cir-

cumstances.

Senator Talmadge. Do you not think taking someone else's personal documents and photographing them and delivering them elsewhere is theft?

Mr. Buckley. No, sir; I do not.

Senator Talmadge. What do you think it is? Mr. Buckley. I am not sure what I think it is.

Senator Talmadge. You do not think it is singing in a choir, do you? Mr. Buckley. I do not know how to respond to that, Senator.

Senator Talmadge. You would not think it is one of the highest vir-

tues of mankind, would you? I will put it that way.

Mr. Buckley. Senator, I think it is political espionage, I think it is infiltration. I think it is penetration, I think it is something that occurs in every major election that happens in this country.

Senator Talmadge. You think it is perfectly legitimate?

Mr. Buckley. I think it is valid.

Senator Talmadge. You do not feel contrite about your part in it whatever?

Mr. Buckley. No, sir; I do not.

Senator Talmadge. Why did you take the fifth amendment, then,

and ask for immunity before you testified?

Mr. Buckley. Senator, I am not familiar with the full range of law in the new election laws and statutes. For that reason, I thought that there may be something in those new laws that verged on this kind of activity.

Senator Talmadge. Your operation was strictly cash. You received

the money in cash and paid it out in cash, did you?

Mr. Buckley. Yes, sir.

Senator Talmadge. No records were retained? Mr. Buckley. We did not keep any records.

Senator Talmadge. How many times did you deliver photographs of documents that you took from Senator Muskie to Mr. Rietz or the Committee To Re-Elect the President?

Mr. Buckley. My estimation would be twice a month to each, and if it went 7 months, approximately 15 times. If it went 8 months,

maybe two or three more times.

Senator Talmadge. Did you think the operation was larger than you first envisioned that it would be?

Mr. Buckley. Larger, sir? Senator Talmadge. Yes, sir. Mr. Buckley. No; I did not think it was larger.

Senator TALMADGE. Did you think it was more productive?

Mr. Buckley. I was surprised that at the early development of this kind of material being available to this man. I did not envision that such a thing would happen as quickly as it did or that it would happen at all.

Senator Talmange. Did you get more secret information than you

thought you would?

Mr. Buckley. I did not see any classified information in that material, Senator.

Senator Talmadge. Confidential?

Mr. Buckley. I did not see confidential. I saw sensitive material. I do not think any of it was classified.

Senator Talmadge. You did find some sensitive material, then? Mr. Buckley. I would think the Rehnquist draft was a sensitive

piece of paper.

Senator TALMADGE. You were not paid for your activities, were you?

Mr. Buckley. No, sir.

Senator Talmadge. You thought you were serving the cause of re-

electing the President, I presume?

Mr. Buckley. I would answer, "yes." I would not put it that way. I thought that I was providing a service that I was asked to do. I certainly had a preference of candidates and would have preferred that a Republican President be reelected.

Senator Talmadge. You thought you were serving friends?

Mr. Buckley. Part of it.

Senator Talmadge. Now, in your operations with Mr. Warren, did they differ any from your previous operations when you delivered the documents to Mr. Rietz?

Mr. Buckley. He was more punctual. He was on time and had caused me a lot less concern than my relationship with Rietz over

the previous 3 or 4 months.

Senator Talmadge. You also, I believe, delivered some actual docu-

ments to Mr. Warren in lieu of photographs, did you not?

Mr. Buckley. Not documents, Senator. There were occasions when the taxicab driver would bring a press release from the press table and that would be delivered in its form. There were perhaps two occasions when I enlarged and printed the material for Hunt.

Senator Talmadge. Did Mr. Rietz ever tell you that information which you had received from the Muskie camp had been leaked to the

press?

Mr. Buckley. On the contrary, he told me that that memo had not come from the Committee To Re-Elect. He told me at that time, when I confronted him with it. A year later or so, he told me that he had lied to me and that in fact, that memo had come from the Committee To Re-Elect to Evans and Novak.

Senator Talmadge. Did any information which you received from the Muskie headquarters and delivered to Mr. Rietz get delivered to

the press, the news media?

Mr. Buckley. I am not aware of any beyond the Evans and Novak. Senator Talmadge. He did inform you that some of it was leaked to Evans and Novak?

Mr. Buckley. That one particular memo. He told me long after the campaign that the committee had sent that to Evans and Novak.

Senator Talmadge. What was the total amount of funds that you

received for the operation?

Mr. Buckley. Senator, my recollection is that we went about 7 months. If it is 7 months, \$7,000. If it was 8 months, it is \$8,000. I am thinking of the period from September 1971 to April 1972.

Senator Talmadge. And that covered Mr. Wyatt's salary, the office

rent, photographing material, et cetera?

Mr. Buckley. Yes, sir.

Senator Talmadge. Now, following the break-in, when it was in the newspapers, you recognized that the alias that you had been dealing with, Mr. Warren, was, in fact, Howard Hunt. Did you become concerned about that?

Mr. Buckley. Following the break-in, the name Edward Warren appeared in connection with payment for some rooms in the Watergate Hotel and the Howard Johnson. I do not know whether I was concerned, but it occurred to me that this was the same guy that I had been meeting.

Senator Talmadge. Did you discuss it with the Committee To Re-

Elect the President?

Mr. Buckley. I do not think I did. There was not anyone that I was acquainted with to discuss it with. I certainly did, in the next year, discuss it two or three times with Rietz.

Senator Talmadge. You did discuss it with Mr. Rietz?

Mr. Buckley. Yes, sir.

Senator Talmadge. Did he advise you to go to the authorities and tell them about it?

Mr. Buckley. No, he did not.

Senator Talmadge. Did you give any thought to going to the authorities and telling them about it?

Mr. Buckley. No. sir.

Senator Talmadge. You gave no thought to informing the FBI?

Mr. Buckley. No, sir.

Senator Talmadge. Why not?

Mr. Buckley. Informing the FBI about what activities I had been involved in?

Senator Talmadge. Activities that you had performed in your asso-

ciation with Mr. Howard Hunt?

Mr. Buckley. Senator, I didn't see any connection between what activity I had been involved in that terminated 3 or 4 months before the Watergate arrests and the rubber gloves and the burglary tools that were used in the Watergate.

Senator Talmadge. You were meeting him on the street in a clandestine manner and both of you were using aliases and transporting documents and cash money. Didn't you think there might be something a

little mysterious about it?

Mr. Buckley. I think that goes on in Washington, Senator.

Senator Talmadge. You didn't think it was a normal transaction like going in a restaurant and buying breakfast, did you?

Mr. Buckley. I thought it was a normal transaction for an election

vear.

Senator Talmange. You thought appearing on corners, both parties using aliases, transferring stolen documents and photographs, was a normal transaction in an election year?

Mr. Buckley. I don't know about the stolen documents. I think that would be called discrete. That is the way that I attempted to keep it.

Senator Talmadge. Where did you learn ethics in political cam-

paigns, Mr. Buckley?

Mr. Buckley. I suppose I learned it from a period 1964 to 1973. Senator Talmadge. Was that in some political machine in some big

city, or how did you learn it in that fashion?

Mr. Buckley. I learned much of it in West Virginia.

Senator Talmadge. Now, did you ever discuss your involvement in the Muskie intelligence operation with your superior, Mr. Jerris

Leonard?

Mr. Buckley. Senator, Jerris Leonard is a member of a law firm in this city. I have had discussions with Mr. Leonard and I would stand on the lawyer-client privileged communications with him in regard to the activity that we have been discussing today.

Senator Talmadge. Did anyone ever instruct you to remain silent

on your part in the matter?

Mr. Buckley. No, sir.

Senator TALMADGE. They did not.

Thank you, Mr. Buckley. I have no further questions, Mr. Chairman. Senator Ervin. Senator Gurney.

Senator Gurney. Thank you, Mr. Chairman.

Mr. Buckley, what did you expect to find in this activity, what really useful information?

Mr. Buckley. Senator, when it started, I didn't know what to find. I didn't know but what he would be rejected—meaning the cabdriver. I certainly thought that it would be not much of a chore to find out where the Senator was going to be for weeks at a time, what the position of the Senator would be on controversies and issues. A staff list of his volunteers was made available to the cabdriver within a matter of days. They all were furnished a staff list with the telephone numbers of all the volunteers on it.

Senator Gurney. Are you saying that what you were looking for was really general intelligence as to what Senator Muskie was doing in his campaign and things he was saying, or tended to say?

Mr. Buckley. Yes, sir. It didn't occur to me that that would be diffi-

cult to find out at all.

Senator Gurney. As I understand the Hatch Act—I don't have it before me here—but it is unlawful in your official capacity, if you are a Government employee, to interfere with an election or influence an election. I understand that you had a job with the OEO. Is that correct?

Mr. Buckley. Yes. sir.

Senator Gurney. What was the job?

Mr. Buckley. I was director of investigations—director of in-

Senator Gurney. Did you in any way, in this Muskie operation, use

your official position?

Mr. Buckley. No, sir, that was one of five or six rules that I had with Rietz, that there would be no Government facilities or material used, that it would be done on my own time, that nothing illegal would be involved, and that I would be the judge of what activities and what responsibilities the cabdriver was to have.

Senator Gurney. And this is why you think that you did not violate the Hatch Act?

Mr. Buckley. That is one reason that I do not think so. The Hatch Act, as I read it, deals with and anticipates collecting of funds for political activity, passing out literature, running for office, taking part in partisan conventions or meetings, that kind of thing. It is fairly well spelled out in the act.

Senator Gurney. Both the chief counsel or counsel who is doing the questioning for the majority and Senator Talmadge touched upon prior activities, in West Virginia and North Carolina, as I understand. Did these involve dirty tricks? What did they involve, anyway? Will

you explain?

Mr. Buckley. Senator, for the most part in West Virginia, I was occupied for 4½ months in investigating irregularities on the part of the preceding Governor of the State of West Virginia.

Senator Gurney. Who was that?

Mr. Buckley. That was Governor Barron, Gov. Walter Barron of West Virginia.

Senator Gurney. What did you find out?

Mr. Buckley. I maintained a running account of the activity that we were involved in there. We found out that a million and a half dollars of Federal flood relief money was completely dissipated. We found out that there were kickbacks involved in dummy corporations purportedly designed to do this cleanup after the flood. And all of this material was published and was publicized in the State of West Virginia. Subsequent to 1964, that Governor and many of his top aides have been indicted and convicted for misuse of Federal funds.

Senator Gurney. Was this Governor a Republican Governor?

Mr. Buckley. He was a Democratic Governor.

Senator Gurney. And you turned your information over to the proper authorities?

Mr. Buckley. We turned it over to the candidate, who made it avail-

able to the proper authorities, the FBI.

Senator Gurney. This resulted in indictments and convictions?

Mr. Buckley. Yes, sir, ultimately.

Senator Gurney. So you weren't doing dirty tricks? You were investigating?

Mr. Buckley. Investigating all of the time. The dirty tricks——Senator Gurney. Were any Republicans involved in this illegal activity that resulted in convictions?

Mr. Buckley. No. sir.

Senator Gurney. What were you doing in North Carolina? Were

those dirty tricks?

Mr. Buckley. No, sir, I mentioned that on two occasions, at the request of the Republican candidate, I went to look into a situation of rape in a State institution that was never reported.

Senator Gurney. What did that have to do with the campaign?

Mr. Buckley. At that particular time, it amounted to what would appear to be negligence and a coverup by the State authorities of this situation.

Senator Gurney. Go on.

Mr. Buckley. In the second instance, it involved a review of registrations and voting in the 1968 election in the Durham area.

Senator Gurney. And what did you find out there?

Mr. Buckley. It was based on allegations and we did find some instances where Democratic registrants were registered from vacant lots; in other instances, where people who had been dead voted in that

Senator Gurney. What about Republicans? Were they involved?

Did you find irregularities there?

Mr. Buckley. I didn't review the Republican registration.

Senator Gurney. This was the extent of your activity, and it did not involve dirty tricks then?

Mr. Buckley. No. sir.

Senator Gurney. That was purely investigating into election irregularities?

Mr. Buckley. Yes, sir.

Senator Gurney. How many documents did you photograph in this Muskie operation? Do you recall?

Mr. Buckley. I do not recall how many. Senator Gurney. Approximately?

Mr. Buckley. There would be times when we wouldn't photograph any. There would be times when there would be three or four and there might be a time, as in the case of the draft that I am talking about, while it was one document, it might have run 10 or 11 pages.

Senator Gurney. Can you describe these documents in any more detail? You mentioned one or two. What about some of the others?

Mr. Buckley. No more detail than a memo from a staffer to another staffer or a memo from a staffer to the Senator, or a double-spaced draft of a paper on—and I am not sure there was one—on the unemployment rate.

Senator Gurney. These were documents that were being carried from his campaign headquarters to his Senate quarters. Is that correct?

Mr. Buckley. Yes.

Senator Gurney. Were these going to the Senator to keep him in-

formed about what was going on? Was this the idea or what?

Mr. Buckley. Possibly, or it could be that there was staff in the Senator's office that would need to consider these documents of the drafts. They weren't a finished product. They were not an announcement or written in the form of a speech.

Senator Gurney. Did you find any information in what you photographed to indicate that there was any surveillance or intelligencegathering being done by the Muskie campaign against any of the

other candidates?

Mr. Buckley. No, sir.

Senator Gurney. Did anybody indicate to you that any of this

information was useful in these documents?

Mr. Buckley. I did not discuss it at all with Hunt, and I never had an indication from Rietz that anything was useful. On the contrary, there were complaints, Senator, especially in the early days, that the film wasn't right, that it was fuzzy, that they couldn't read it, that it was upside down—that type of thing; not many accolades.

Senator Gurney. Maybe you should have taken a course in

I don't have any other questions, Mr. Chairman.

Senator Ervin. Senator Inouve.

Senator Inouye. Thank you, Mr. Chairman. Mr. Buckley, did you consider your activities to be political in nature?

Mr. Buckley. Senator, I considered them to be in the political area.

Senator Inouys. And more specifically, political espionage?

Mr. Buckley. I would accept that term.

Senator Inouxe. Who was your sponsor when you were appointed

to your job at OEO?

Mr. Buckley. Senator, I don't think that was a political appointment. I had no sponsor. I had some 4 years experience with the Economic Opportunity Act and prior to that some 15 years of investigative experience. I did not have a sponsor. The director knew me, the Director asked me to come down, I had refused him on one previous occasion and had refused another time to accept an assignment in OEO.

Senator Inouye. Were you surprised when you were asked to do

political espionage?

Mr. Buckley. No, I was not.

Senator Inouys. When you took the job did you understand that

you would be involved in this type of work?

Mr. Buckley. I had an understanding that what we would attempt—I had no idea that it would result as quickly as it did in that type of access.

Senator Inouge. I just want it clearer now. When you took the

OEO job----

Mr. Buckley. I thought you---

Senator INOUYE [continuing]. Were you asked to do political

espionage ?

Mr. Buckley. No, no; I had no idea and I was not asked for the—Senator Inouye. I am certain you were aware that the administration was opposed to political activity being carried out by grant recipients of OEO funds such as those involved in legal services and community action programs.

Mr. Buckley. It has always been a violation of the guidelines.

Senator INOUYE. And I presume as part of your job as chief investigator you were overseeing complaints about grant recipients being involved in political activities?

Mr. Buckley. Yes. sir.

Senator Inouxe. If you discovered a recipient engaged in partisan political activity, what did you do?

Mr. Buckley. We would submit reports to Civil Service Commission

or to the appropriate program people in the agency.

Senator Inouve. Now, your activities, your political espionage activities were carried on during what hours?

Mr. Buckley. Generally between 11 and 12, maybe once a week or maybe twice in some weeks.

Senator Inouge. During the daylight hours? Mr. Buckley. During the daylight hours.

Senator INOUYE. This is during your working hours?

Mr. Buckley. During my lunch hour.

Senator Inouye. 11 to 12? Mr. Buckley. Yes, sir.

Senator Inouxe. I thought you testified at times they were 8 o'clock in the morning?

Mr. Buckley. I don't believe I did. 8 o'clock in the morning?

Senator Inouye. Yes.

Mr. Buckley. I don't believe I did.

Senator INOUYE. You didn't think that you were doing political activity while being paid by the Federal Government?

Mr. Buckley. I didn't think I was violating the Hatch Act, Senator.

I would consider it related, politically.

Senator Inouge. So you don't think there is any similarity between grant recipients carrying out political activity and you carrying out covert political espionage?

Mr. Buckley. I would not draw a distinction. I don't recall many

grant recipients that were ever disciplined in any fashion for involving

themselves in political activity.

Senator Inouve. In other words, you feel that the subpena here is

unjustly issued?

Mr. Buckley. I did not say that. I have no idea that such is the

Senator INOUYE. How would you categorize your activities? Would you say that they were illegal? Mr. Buckley. No, sir.

Senator INOUYE. Unethical?

Mr. Buckley. I would not say it was unethical in the terms of election year, in the terms of what we were seeking to do.

Senator INOUYE. In other words, you are advising the committee

that political espionage is an acceptable practice?

Mr. Buckley. Senator, I think political espionage goes on all the time. It has gone on for many, many years. I do not feel that I invented it. I know of instances where five or six trained investigators have conducted surveillances and have participated in national elections. I expect that kind of thing.

Senator Inouye. I am certain you did not invent political espionage

but does that justify carrying out political espionage?

Mr. Buckley. I do not feel that I need a justification. Someone may differ with me on that. I do not feel that I have to justify responding the way I did to a request from Ken Rietz.

Senator Inouye. It was absolutely proper as far as you are

concerned?

Mr. Buckley. As far as I am concerned it was, Senator.

Senator Inouve. In response to Senator Talmadge's question you did not feel that it was larceny on the part of you and Mr. Wyatt in photographing documents without proper authority?

Mr. Buckley. I do not feel that it was larceny. I do not know of

any particular statute that would cover that.

Senator Inouve. If some person photographed Government docu-

ments, would you consider that larceny?

Mr. Buckley. I am not sure that I would consider it larceny. It has been done and I am not sure that larceny is the way they proceed on it, if that would be Government property if they took a photograph, I

Senator Inouge. Would you consider the interception of a communication or the invasion of privacy as being illegal, immoral, or unethical?

Mr. Buckley. Senator, I do not consider candidates for the Presidency of the United States as a private matter. I do not consider we were invading privacy in that regard. I think it is public. Candidates expect there will be investigations of them and their activities and I think candidates expect that there will be attempts to ascertain what their activity is and what their position on issues is.

Senator INOUYE. Do you think we should make a few changes for

the next election?

Mr. Buckley. Senator, if there is to be legislation that will deal with political espionage it will be quite complex. I would have no idea of how you could prohibit it, describe it, and then enforce it beyond that. I think it is done in every election, the three or four that I have knowledge of and before that and beyond that, others.

Senator Inouye. Would you consider wiretapping as illegal?

Mr. Buckley. Do I consider it illegal?

Senator INOUYE. Yes.

Mr. Buckley. Yes.

Senator Inouye. Did you think Mr. Wyatt's activities were legal? Mr. Buckley. Mr. Wyatt's activities?

Senator Inouye. Yes, sir.

Mr. Buckley. I think it was.

Senator Induxe. Under false pretenses, intercepting communication

Mr. Buckley. I do not know what the false pretenses statutes say. He certainly represented himself to be a volunteer, a deception certainly. He did many things beyond what he did that were in the nature of service and I continued on beyond April doing those services for the Muskie campaign.

Senator Inouye. I thank you very much, sir.

Senator Ervin. Senator Weicker.

Senator Weicker. I was not quite sure, Mr. Buckley, when you said you felt you had a lawyer-client relationship with Mr. Leonard as to what you were referring to. I thought your attorney is with you here.

Mr. Buckley. My attorney is with me here. The question was asked whether I had discussed with Mr. Leonard my situation and I at that point stood on privilege.

Senator Weicker. Was not the relationship between you—correct me if I am wrong—I thought the relationship between you and Mr.

Leonard was one of employer and employee.

Mr. Buckley. Senator, there was a time when I went to Mr. Leonard and sought counsel on matters involving my involvement in 1971 and 1972.

Senator Weicker. All right. Have you ever met Mr. Caufield?

Mr. Buckley. No, sir. Excuse me, I have. I had dinner with John Caulfield in the White House in 1969, purely as a third party to a dinner between Caulfield and a friend of mine. That one occasion I met him.

Senator Weicker. Did this relate to the campaign?

Mr. Buckley. No, sir.

Senator Weicker. This was strictly a personal meeting between-

Mr. Buckley. Personal meeting between Caulfield and my friend and I were asked to come.

Senator Weicker. You had not known Mr. Caulfield prior to that? Mr. Buckley. No, sir, I have not before or since.

Senator Weicker. Mr. Ulasewicz?

Mr. Buckley. No.

Senator WEICKER. No; you say you received some \$7,000 or \$8,000—possibly \$7,000, possibly \$8,000—for the duties that you performed, and others performed at your direction. Was any of this reported by you in your tax returns?

Mr. Buckley. No, sir.

Senator Weicker. And did you report any of the money in the form of withholding or social security insofar as the money that you passed on to others?

Mr. Buckley. No, sir.

Senator Weicker. This amount of money has been totally unre-

ported, is that correct?

Mr. Buckley. It was unreported, I would not have considered reporting it as income, certainly, and I do not think I am required to report it as expenses. I do not report per diem expenses.

Senator Weicker. Have you given the committee a detailed list of your expenses in this matter in relationship to the money received?

Mr. Buckley. Not a detailed list. I have been over the ground with the staff on two or three occasions, much in the same manner that we

have today.

Senator Weicker. Now, I was not quite clear in my mind as to your explanations of the investigations in West Virginia and in North Carolina. Were these investigations that you were conducting in the capacity of working for the House Committee on Education and Labor?

Mr. Buckley. No, sir; this was 1964 and I was a private employee working as an investigator for 4½ months in West Virginia. I have a record of the investigations in the form of newsclips, I would be more than anxious to put those in the record if the committee would consider it.

Senator Weicker. This was in what capacity?

Mr. Buckley. This was as an investigator for the Republican candidate for Governor.

Senator Weicker. In West Virginia?

Mr. Buckley. Investigating irregularities of a previous administration.

Senator WEICKER. I see. All right.

Your investigation in North Carolina, in what capacity was that? Mr. Buckley. As a personal friend to the Republican—as a personal favor to the Republican candidate for Governor on two isolated instances I looked at two things that concerned him in North Carolina.

Senator Weicker. Now, I have got—I am going to be reading here from a memorandum that was sent to the Attorney General by Mr. Magruder, it is dated January 31, 1972, first, let me ask the question: Were you at that time on January 31, 1972, engaged in the surveillance operation on Muskie?

Mr. Buckley. Yes, sir.

Senator WEICKER. This memorandum states the attached information has come to our attention recently regarding Senator Muskie's campaign organization signed "Jeb Magruder." I am going to ask you whether or not any of the items which are identified here are items which you recall seeing during the course of your activities.

1. Senator Muskie has received an invitation from a Mr. William G. Mullen, General Counsel of the National Newspaper Association here in Washington, D.C. The invitation is for the Senator to appear at their Washington Government Affairs Conference on March 16–18. They note in their invitation that they take a great deal of pleasure in the Senator's introduction of S. 2965, the so-called "Truth in Government Act of 1971."

Mr. Buckley. I do not recall that.

Senator Weicker [continues reading]:

2. Senator Muskie has been invited to speak at the 1972 Convention of the Young Democratic Club of Wisconsin. The convention is scheduled for March 17–19, 1972, at the Wausau Midway Motor Lodge.

3. Mr. Frederick Merrill, House Office Building 1422, Washington, D.C. 20515,

has contributed to the Muskie 1972 campaign.

4. Mr. Wally Boman, President of the Polish National Alliance of the United States of North America, Council 203, Washington, D.C., supports Senator Muskie and made a personal contribution to his campaign. His address is 5119 Temple Hills Road, Washington, D.C. 20031.

5. Mr. Norman Hinerfeld, Executive Vice President, Kaiser-Roth Corporation, 640 Fifth Avenue, New York, New York 10019, is a contributor to the Muskie

campaign.

Mr. Buckley. I have no knowledge of that.

Senator Weicker [continuing]:

Mr. Sam Harris, 120 Broadway, New York, New York 10005 is a generous contributor.

Mr. Buckley. I have no knowledge of that.

Senator Weicker [continuing]:

Mr. Jerry Magnin, 1900 Avenue of the Stars, Suite 2010, Los Angeles, California 90067, is a generous contributor to the Muskie campaign.

Mr. Buckley. I have no knowledge of that.

Senator Weicker [continuing]:

Senator Muskie received a letter from Senator Thomas F. Eagleton, who wrote to him as Chairman of the Democratic Policy Council's Committee on Human Environment for the purpose of inviting Senator Muskie to put forth specific suggestions from him or his staff for the 1972 Democratic platform. Enclosed with the correspondence was an outline which says that the suggested format for platform suggestions should be double-spaced,

and it goes on to give the detailed number of words, et cetera, is that familiar to you?

Mr. Buckley. I have no recollection of that.

Senator Weicker [continuing]:

9. Mr. Frank S. Bernard, 222 South 24th Street, P.O. Box 487, San Jose, California 95103, has contributed \$1,000 to the California Citizens for Muskie Campaign.

Mr. Buckley. I have no knowledge of that.

Senator Weicker [continuing]:

10. Letter to Senator Muskie from Robert Okin. Financial Consultant, Lincoln Avenue, West Orange, New Jersey: "It is my expectation that additional funds can be available within 30–45 days, and I shall send them along to you through Harold Grant."

Mr. Buckley. I have no recollection of that.

Senator Weicker. You have no knowledge of any of those types of documents?

Mr. Buckley. No, sir.

Senator Weicker. And only in the most general way do you recall the matters that you photographed and turned over either to Mr. Rietz or to Mr. Warren?

Mr. Buckley. That is right.

Senator Weicker. And in no case were any of the matters that you turned over related to financial contributions?

Mr. Buckley. Not to my recollection, Senator.

Senator Weicker. All right. I am almost through my questioning

here, just two more questions.

Can you be more specific and tell me about other instances, other Presidential elections, senatorial elections for that matter, gubernatorial elections aside from your West Virginia work where espionage of the type you were engaged in occurs? You keep on referring to this as the basis for-

Mr. Buckley. As a common practice?

Senator Weicker. Yes.

Mr. Buckley. Well, I certainly can recall, and the committee is aware of the 1960 election.

Senator Weicker. I beg your pardon? Mr. Buckley. The 1960 Presidential election.

Senator Weicker. And you have some personal knowledge there?

Mr. Buckley. I have done some investigation in regard to that

Senator Weicker. Investigation of the election, of individuals in the election. Was this going on during the election or is this an investigation after the election was over?

Mr. Buckley. I have been investigating in recent weeks the activity of several trained investigators in the 1960 campaign of Kennedy

versus Nixon.

Senator Weicker. Who has authorized you to do this investigation? Mr. Buckley. Who authorized me to do it? I am doing it for a local law firm.

Senator Weicker. Which law firm?

Mr. Buckley. Leonard & Cohen.

Senator Weicker. Let me get this straight, you are investigating the work of investigators who investigated the 1960 campaign?

Mr. Buckley. No; I am investigating the activity of investigators who worked in the 1960 campaign. In espionage-type political activity.

Senator Weicker. But now, you say that you are doing this at the present time. So, obviously, this would not be a justification for the actions which you took during the course of the 1972 election. I mean, I gather you were motivated or you justified those actions at the time on the basis of knowledge that you had that similar practices were employed in other elections?

Mr. Buckley. On the basis of my feeling that political espionage or political intelligence gathering, political fact gathering, political information is done as a matter of course in elections, as a matter of

practice.

Senator Weicker. Well, I want the specifics. I want the specifics you had in hand when you launched on this type of work in Senator Muskie's campaign. This was the basis, you told me, of what justified-

Mr. Buckley. I had the specifics in 1968 and I had the specifics in

1972, and the general feeling that it is done in all elections.

Senator Weicker. And this was of your own personal knowledge?

Mr. Buckley. Yes, sir.

Senator Weicker. Well, I will end the questioning just with a comment, and I am sure the committee will go into this further, Mr. Buckley. Mine is a very small State, but to the best of my personal experience, it doesn't go on. Since we are here in front of the public, I think we had better get both points of view out on the table. Quite frankly, I think the people of Connecticut, and I think the attitude is shared by most other people in this country, don't think it should go on. I have heard a great deal of generality as to all these instances, the types of thing that you are engaged in. I have heard very little in the way of specifics.

Mr. Buckley. Senator, at the conclusion of campaigns, these things are forgotten. Frequently, people who are involved in gathering intelligence on other parties sit and talk about them and enjoy them in later years. I served on a very partisan committee in the House of Representatives for 4 years and there was intelligence gathering and spies in each of our camps. We expected it. When we detected it, we

tried to plug it.

Senator Weicker. You mean there were spies on the committee?

Mr. Buckley. Democrat versus Republican, yes, sir.

Senator Weicker. Tell me about it, now. Give me an example.

Mr. Buckley. I will give you an example in 1967, when the Rules Committee was considering the Economic Opportunity Act. We had drawn a list of 50 questions for the Republican members on the House Rules Committee. Our office was invaded and that list was taken and we found out the next day that the Democratic staff had our list of questions. Congressman H. Allen Smith ran an investigation on that and we did not discover who took them.

Another time, I attended a speech, a lecture by Sol Alinsky in a local church with one of the Congressmen on our committee. Staff on the other side of the committee took our pictures at that lecture, hoping to get the Congressman and I, more particularly the Congressman, in a picture with Sol Alinsky to show that the Congressman, I suppose, was a liberal Congressman, or that he was a Sol Alinsky sympathizer.

Now, these are facts of life. I think that these things happen and when I could, I would try to ascertain what the position of the Democrats would be on a controversial bill such as the Economic Opportunity

Act.

Senator WEICKER. And these were the thoughts that were running through your mind when you agreed to go ahead and spy on Senator Muskie's headquarters?

Mr. Buckley. Not really. I didn't think these things at all. When I was enlisted, I didn't analyze it, or try to turn it down. I thought it was a very natural and easy thing to accomplish.

Senator Weicker. It was a natural thing to spy in an election?

Mr. Buckley. Natural to me, Senator.

Senator Weicker. Well, you know, sometimes, I tell you, when I go back to Connecticut, I think the whole world is turned upside down by what seems to be natural around this town. But I suggest you get out of Washington, D.C., because it isn't natural for the State of Connecticut, and I will let the other Senators speak for themselves.

I have no further questions, Mr. Chairman.

Senator Ervin. Senator Montoya.

Senator Montoya. Mr. Buckley, how long were you a member of the FBI?

Mr. Buckley. 131/2 years, Senator.

Senator Montoya. When you entered the FBI, did your qualifications as a lawyer play an important part in being admitted?

Mr. Buckley. I think it was a requirement at that time.

Senator Montoya. And when you left the FBI, you went to work for a committee in the Congress.

Did you work with that committee as a lawyer?

Mr. Buckley. No, sir, I worked with them as an investigator to start.

Senator Montoya. And how long have you been a member of the bar?

Mr. Buckley. I have been a member of the bar for 21 years.

Senator Montoya. Have you practiced any law at all?

Mr. Buckley. No, sir.

Senator Montoya. Do you pride yourself in being a member of the bar? Do you take great pride in being a member of the bar?

Mr. Buckley. Senator, I avoid pride when I can. I was happy

when I passed the bar.

Senator Montoya. Do you feel an obligation to your profession ethically?

Mr. Buckley. I certainly do. I would if I were practicing law, I

am sure.

Senator Montoya. Well, do you feel that you have an obligation as an individual to your profession, irrespective of whether or not you are practicing law?

Mr. Buckley. I don't know what obligations I have to my profession. I pay my dues and I observe what I consider to be a reasonably

ethical existence.

Senator Montoya. Now, you admitted a few minutes ago that you were engaged in political espionage?

Mr. Buckley. Yes, sir.

Senator Montoya. That is what you call it?

Mr. Buckley. That is what all people call it. I don't argue with this term at all.

Senator Montoya. And that this political espionage was designed to aid one of the candidates for President?

Mr. Buckley. Designed to aid his committee, yes.

Senator Montoya. Now, you also stated that while you were doing or while you were engaged in political espionage, that you were an employee of the Office of Economic Opportunity?

Mr. Buckley. Yes, sir.

Senator Montoya. Were you carrying out these activities during the day?

Mr. Buckley. I was carrying them out during a period of 11 to 12 o'clock on 1 or 2 days a week.

Senator Montoya. Eleven to twelve and——

Mr. Buckley. Eleven in the morning to 12 noon on 1 or 2 days a week.

Senator Montoya. Why did you pick that hour?

Mr. Buckley. This hour was picked up by the people who were sending the box from Muskie campaign headquarters.

Senator Montoya. And that is when you would take your lunch?

Mr. Buckley. Yes, sir.

Senator Montoya. And did you do this continuously, without fail?

At that particular hour?

Mr. Buckley. There were many days, Senator, that I could not arrange to meet the taxicab driver. There were many days that he did not call me, there were many days that he was accompanied by other members of the Muskie committee staff and that would preclude our meeting.

Senator Montoya. The point I am trying to make is did you feel that because you were undertaking this task during your so-called lunch hour, whether it be 11 to 12 or 12 to 1, that you were then acting properly and not violating the Hatch Act as an employee of the

U.S. Government?

Mr. Buckley. No, I don't relate the two, Senator. I have never been uncomfortable with the quid pro quo between the Government and me. I have been with them 25 years. I think they did well by me and I think I did my work for the 25 years.

Now, the Hatch Act, I think, is a different question. It was not because it was 11 to 12. I didn't think that activity was covered by the

Hatch Act. I don't think it is spelled out in the Hatch Act.

Senator Montoya. Well, in what way is it different, then?

Mr. Buckley. I don't think they are the same thing. I think they are apples and pears. In one way, I am satisfied that I was not using any Government time or any Government resource to meet this man at 11 o'clock, and on the other hand is the Hatch Act, and I don't feel that I was in violation of the Hatch Act, for different reasons.

Senator Montoya. Now, I am going to read you one of the canons of ethics that governs the behavior of lawyers and their respon-

sibility. It is canon EC1-5.

A lawyer should maintain high standards of professional conduct and should encourage fellow lawyers to do likewise. He should be temperate and dignified and he should refrain from all illegal and morally reprehensible conduct. Because of his position in society, even minor violations of law by a lawyer may tend to lessen public confidence in the legal profession. Obedience to law exemplifies respect for law. To lawyers, especially, respect for the law should be more than a platitude.

Do you feel that this provision applied to you?

Mr. Buckley. Senator, I have no problem with that provision. I see nothing illegal in the activity that we have been talking about that went on from September 1971 to April 1972.

Senator Montoya. Then you stated a few minutes ago that Mr. Wyatt, who was the courier for these documents, was engaged in

some kind of deceit.

Mr. Buckley. I would be comfortable with the word "deception." I think deceit is a little something different.

Senator Montoya. Now, would you say that he was engaged in an act of dishonesty?

Mr. Buckley. I would not say that.

Senator Montoya. Well, was it not dishonest of him to transfer some of these documents to you temporarily when he was working for the Muskie campaign?

Mr. Buckley. Iwould not term that dishonest.

Senator Montoya. What would you call that? Disloyalty?

Mr. Buckley. I would call it political espionage.

Senator Montoya. And you don't feel that political espionage has

some elements of dishonesty in it?

Mr. Buckley. I think it has elements of deception. I don't think it has elements of dishonesty. I don't think anything was taken. I don't think any doors were broken down. I don't think any rubber gloves were used. I don't see any theft involved.

Senator Montoya. Do you feel that there was any fraud involved?

Mr. Buckley. I think there was fraud involved.

Senator Montoya. Then I will read you some of the items of misconduct that would constitute unethical conduct on the part of a lawyer. I read from DR1-102: "Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation."

Now, you participated in this act with Mr. Wyatt, as you have stated. Now, would you think that your behavior constituted unethical

conduct on the part of a lawyer?

Mr. Buckley. Senator, No. 1, I was not acting as a lawyer, and No. 2, I don't think that this involvement fits the section you just read. You are talking about fraud and dishonesty. I think you are talking about something different, something illegal.

Senator Montoya. Then I will ask you the question: Don't you think that the code of ethics governing the legal profession applies to all lawyers 24 hours a day, irrespective of whether they are practicing the

profession or not?

Mr. Buckley. Senator, I think the general standards certainly would apply to all lawyers. I don't know about 24 hours a day, whether

or not they were practicing.

Senator Montoya. Do you think that you would remain in the legal profession as a licensed member of the bar if you violated any particular act involving a felony?

Mr. Buckley. Yes, sir.

Senator Montoya. You think you would remain as a member of the bar?

Mr. Buckley. No; I think I would be disbarred. I misunderstood

your question.

Senator Montoya. And by the same token, if you violated any of the other canons, you would be subject to disbarment, would you not? Mr. Buckley. I would be if they were in violation and if they were

substantial.

Senator Montoya. That is all, Mr. Chairman.

Senator Ervin. Senator Baker.

Senator Baker. Thank you, Mr. Chairman.

Senate Resolution 60, which created this committee, Mr. Buckley, provides that we will inquire into Presidential campaign activities for 1972 as that conduct may relate to illegal, unethical, or undesirable conduct, or words to that effect. It is clearly limited to 1972. There was extended floor debate on the Senate floor about whether the resolution should be amended to extend beyound 1972 and that resolution was not so amended. So we are dealing with 1972. But it seems to me that we have a problem here. If we are going to go beyond illegal and into unethical or undesirable, which are value judgments and highly subjective in their nature, we would need a bench warrant. I am not sure that you can decide in the abstract that a particular course of action is unethical or undesirable on the face of it, but it must need a

benchmark or some basis for comparison. And that may lead us beyond

1972. That may lead us some years behind 1972.

I make that preliminary statement because I want you to fully understand why I am asking the next line of questions that I am about to ask. It is in no way calculated to circumvent the mandate of the resolution which created our jurisdiction on this committee but rather to serve as some further guide on this committee in making those value judgments as to whether some conduct is undesirable or unethical as distinguished from illegal.

Mr. Buckley, you entered into considerable colloquy with Senator Weicker about particularities of certain instances of political espionage in previous campaigns. I entirely and wholeheartedly agree with Sentator Weicker when he says he has heard a lot of generalities but not many details. That troubles me, because I, too, have heard many witnesses come here and say, well, it is done all the time, or even some to suggest, well, the defense against certain matters that have been adduced in this record would be that the Democrats did it, too.

You may be assured that that is not what I am searching for. But

I am searching for some basis for comparison.

Going back to the very excellent question put by Senator Weicker, we can't do with additional value judgments or subjective analyses. We need facts. If you have particular important and significant facts which go into the makeup of the political communities concept of what is unethical or under undesirable, what is routine and regular, what is done all the time or what isn't done all the time—if you have some information about that, I as one member of the committee would like to have it; not as a prolonged exposition of the alleged conduct or misconduct or misbehavior on the part of others in other campaigns, but what is the standard of politics in America? You have not given us much so far. You have given us a little. If you care to add to that, I, as one member of the committee, would be happy to hear it.

Mr. Buckley. Senator, I am sorry that I haven't given you more specifics than I have. I don't think people, prior to this committee's hearings, were conscious that political information gathering was a violation of anything and I don't think any effort has been made to

document any of that or to challenge it.

Senator Baker. As I have pointed out in my statement just a moment ago, we were mandated to inquire far beyond the violation of statute law, but to inquire also into conduct that might be unethical or undesirable.

Now, if that is so, if there is a general opinion in the political community, if I may adjust that phrase, that gathering information in a surreptitious way by, as you put it, political espionage, was the normal and ordinary thing to do, or even not unusual, I would like to have, as Senator Weicker would, additional facts that would back that up. That is an observation that I often hear, but the record is bereft of any real substantiation of that claim.

Mr. Buckley. I understand and I am not in a position to document

other instances of it in 1972 or in previous years.

Senator Baker. I suppose if we were trying a lawsuit at this time, counsel would probably try to qualify you as an expert witness, say notwithstanding your absence of particular information based on your total reservoir of experience, do you have an opinion? I am

not certain I want to qualify you as an expert witness, but if we were trying a lawsuit, that is probably what would happen. That would

be the next step.

But I gather you have already testified that it is your impression that that was the kind of practice in politics, to gather information surreptitiously or secretively or deceptively. Is that correct, Mr. Buckley?

Mr. Buckley. Yes. Not totally. I think there are many ways to gather information about the opposition's activities and positions that are not surreptitious. The usual case that I do know of, some going back to 1964, is a volunteer within an organization who, for some reason, is disgruntled or malcontent and she goes to the opposition and says, "Do you know what my boss is doing?" or "Do you know what he is doing this week?"

Senator Baker. How would you characterize that, say, a secretary gets disturbed about her boss' position—the candidate—on a particular issue and decides to go to the other side and give him, give the other candidate—the opposition—a whole raft of information, confi-

dential and otherwise, is that—

Mr. Buckley. I think she is a spy.

Senator Baker [continuing]. Is that illegal?

Mr. Buckley. Probably not.

Senator Baker. Do you think it ought to be, Mr. Buckley? I happen to think it should be and I am struggling for some way to define that, but if it is going to be illegal we are going to have to describe it with some precision, but what is your value judgment? Do you think that example, the young lady who is a secretary, who thinks that her boss is on the wrong track and she decides to convey information to the other side—ought that be a violation of statute law, in your opinion?

Mr. Buckley. I think it would be extremely difficult to spell that

out, to cover all situations that could arise.

Senator Baker. Do you think it is undesirable?

Mr. Buckley. I think it is unfortunate, I think it is a fact of life

and I think we will have it with us.

Senator Baker. Let us think about the fact of life for a minute. We are all aware of our imperfections but we all also are aware of an effort to try to improve on it, anyway. Even if it is a fact of life, does it have to be a fact of life, can you give me any help on that respect, let me put it the other way. Do you think it is desirable that that sort of thing happens? I am speaking still of the example you gave us of a secretary who decides to spill the beans to the opposition without money, without coercion, voluntarily, if you please, but is that a desirable thing to happen?

Mr. Buckley. Senator, I do not think it is desirable. I think it happens in the political arena, I think the books are filled with it happening up on Capitol Hill of going to the press and to authorities and I think the executive branch downtown is loaded with them. I think the spies that walk around in Washington and in the executive

departments today number thousands.

Senator Baker. How are you going to do anything about that?

Do you have any suggestions?

Mr. Buckley. I have no practical way to stop this type of thing.

Senator Baker. Of course, you come up against a fundamental constitutional guarantee of freedom of speech and the right to exercise the franchise. While we are not dealing directly with the vote, we are possibly dealing with the question of, to what extent one may engage in political activity according to the dictates of his or her own conscience. Might it not be a matter of convenience if someone decided he owed a responsibility to disclose certain information assuming it was not statutorily classified?

Mr. Buckley. I am sorry, I cannot help. Desirable maybe but prac-

tical, I question.

Senator Baker. So I think what you are telling me is that the transference of information, secretly or surreptitiously for whatever motive, is in your opinion common, a routine thing not only in politics but in Government?

Mr. Buckley. In politics and Government and business in the busi-

ness community.

Senator Baker. And you cannot give me any help on how we stop it?

Mr. Buckley. You find them and dismiss them.

Senator Baker. Well, you know when you get into this thicket, and we get into it regularly in the Congress, that is deciding that something is bad, that something a little less is probably not illegal and the next step beyond that is not even immoral, but when you get into these shadings of gray, when we get into them it is the congressional technique usually to move up or down that spectrum and to draw lines and say arbitrarily we are going to decide that beyond this point you will not pass. If we adopt that time-honored and traditional congressional technique, could we start out by saying that it ought to be illegal to engage and pay agents for the sake of serving the purposes of political espionage? We could do that. We could say it is an unlawful occupation.

Mr. Buckley. I suppose you could, and then you would have to spell

out what constituted the illegality involved.

Senator Baker. That is true, and might we go on to the next step and that gets you into another band of the spectrum where the grays are equally undifferentiated. Could we agree that it should be unlawful to surreptitiously gain documents without the knowledge of the owner of those documents, to photograph them and deliver them to the opposition?

Mr. Buckley. That would be specific, and I think it would be a

violation of that statute if you pass it.

Senator Baker. Do you think we ought to pass it?

Mr. Buckley. I think that would cover that situation. I do not know how you are going to cover the other hundred situations that come up.

Senator Baker. I do not either, but I am looking for that line.

Mr. Buckley. That would cover that one, that statute.

Senator Baker. Is that high enough up the ladder so I think it would be worthwhile?

Mr. Buckley. I can only answer yes, Senator.

Senator Baker. You know, politics has taken a bum rap. I am a politician and my father before me and my grandfather before me was a politician, my mother was a politician, a Member of the Congress, and I have always held and still hold politics in the highest esteem. I have, not an exaggerated view of the citizen responsibility

to serve, maybe not all your life, but to serve, and I think of the early patriots who did serve for a while and then go back to farming or quarrying limestone or whatever they did, or practicing law. But politics, that is citizen participation in politics, is going to continue to take a bum rap if we leave this business with everybody deciding that is the way it is done, that is the way it always happens, and that is the way it is always going to be because nobody is going to do anything about it. I am not tongue-lashing you, Mr. Buckley, but thinking out loud.

How can you suggest in view of your experience and familiarity with this subject, how can you suggest that we change that attitude and perception of politics? Surely we can begin with political espionage, surely there is a way to do that. Can you give us any other enlightenment? What else ought to be illegal, what else would happen

to make it not the ordinary thing?

Mr. Buckley. I would make a distinction between the kind of things we are talking about today and the kind of things you have been talking about the past weeks, dirty letters and accusations of immorality, that kind of thing. I do not think they belong in the same bag of tricks at all.

To start with political espionage, I am not sure that I see that

that would be illegal.

Senator Baker. Of course, you can go across the whole range of considerations in political espionage, you can talk about hiring a cabdriver to gain documents that are going to be photographed and turned over to the opposition. You can talk about the situation of printing scurrilous literature about one candidate or the other, or fomenting demonstrations, promoting people to demonstrate either peacefully or violently, carrying signs that are unflattering. Where do you draw the line in there? Can you legislate against those things or can you give us any suggestion as to where they fall in the spectrum of political concern?

Mr. Buckley. No, sir, I cannot.

Senator Baker. How are we going to go about this, Mr. Buckley? would you agree with me politics is taking a bum rap and we have to do something about it?

Mr. Buckley. I would agree with you. I hope I have not inferred that there is anything per se dirty or dishonest about politics and

that it is not an honorable pursuit.

Senator Baker. Then, how are we going to make it more honorable? Mr. Buckley. I think you have been doing a good job for the past 3 months.

Senator Baker. Are you talking about the example that we may create as a result of these hearings in the mind of the public?

Mr. Buckley. Yes, sir.

Senator Baker. We have mixed reaction to that. I have had witnesses say that that may be the greatest contribution of the committee. I have others say that it probably will cause the public to drop out of politics in disillusionment.

So, that coin like most coins has two sides. But we are a legislative body, the Congress, the Senate and this committee, and while public information and example is one of our legitimate "implied powers"—if I may use an executive department phrase—it is one of our implied

powers, it is not a principal obligation. Our principal obligation is to recommend legislation, and I gather you are not in a position to recommend any specific legislation that we might take account of in our report.

Mr. Buckley. No, sir; I don't feel qualified.

Senator Baker. Mr. Buckley, you brought forth a document, a book it would appear, in the course of your testimony which I have never seen and know nothing about but my curiosity won't permit me not to ask you what it is.

Mr. Buckley [holding book]. Senator, this is a series of newsclips,

newsstories in the 1964 gubernatorial campaign in West Virginia.

Senator Baker. In the 1964 gubernatorial campaign?

Mr. Buckley. Yes, sir.

Senator Baker. I would like to go into that but I don't think now, if you please, Mr. Buckley.

Mr. Buckley. You are welcome to it and you may have it for as long

as you like.

Senator Baker. Obviously it is not within the scope of the committee's jurisdiction except to the extent that it relates to the political mores and I won't ask you to produce it.

Senator Ervin. Senator, pardon me. I certainly agree it is not within the scope of our investigation. This committee is not authorized to investigate all the evil that is—that has occurred in the world.

Senator Baker. Well, you know, Senator Aiken of Vermont remarked to me one day when I went to the Senate floor and apparently looked haggard and tired, and patted me on the shoulder as Senator—only Senator Aiken can do—and he said, "Howard," he said, "don't despair, there is a great reservoir of evil in the world and you are not about to exhaust it," and I am sure we aren't.

But, you know, Mr. Chairman, if I can think out loud in connection with this witness' testimony for just a moment and then I am through with my inquiry, I think it is true that the mandate of this committee does not extend beyond 1972, except to the extent that I have suggested—that is, how do we evaluate the subjective quality of immoral or undesirable as distinguished from illegal—but when we finish this record, I have an idea that the committee ought to give some thought to certifying relevant portions of our record to the standing jurisdictional committees of the Senate, who are not limited to 1972, to look further into matters that have been made to appear or have developed from our investigation, because the fact that things weren't all sweetness and light in 1972 does not mean we ought to close our eyes to what happened in other elections.

That is all I have at this moment, Mr. Chairman.

Senator Ervin. You say that you think it is all right to do some of the things you did because they had been done in times past, and I will have to say that on this point, the other members of this committee in interrogating you have assumed that you are an expert in political activities and, in consequence, have asked you certain hypothetical questions. I will probably succumb to the temptation to follow their example.

As an expert on political matters, do you think it is honorable conduct for a committee charged with responsibility for electing the President to use campaign funds received by it for that purpose, to employ

persons to bug and burglarize the headquarters of the opposing political party?

Mr. Buckley. To burglarize and what else, Mr. Chairman?

Senator Ervin. Bug and burglarize. Mr. Buckley. My answer would be no.

Senator Ervin. I take it, I infer, from your testimony that you think it is all right and moral to undertake to sabotage the campaign of a person seeking the Presidential nomination or election by spying upon his activities, by carrying out of his headquarters documents relating to his campaign and photographing them and transferring the photographs to other persons in charge of the campaign of the opposing party, candidates, is that right?

Mr. Buckley. Senator, you used the word "sabotage." I don't think

sabotage applies to this situation. I think it is—

Senator Ervin. Will you accept the word "disrupt" instead of "sab-

otage" and answer the question?

Mr. Buckley. No, sir, I will not accept the word because I think you have had a lot of testimony before this committee that did constitute sabotage and did constitute disruption. I had no intention—I don't think at any time we disrupted the campaign of Senator Muskie.

Senator Ervin. Well, that is what you were trying to do, weren't

vou?

Mr. Buckley. No, sir, we were trying to—I think a candidate is within his rights to gather intelligence on the opposition. I think the method by which he gathers it certainly makes a difference. Penetration and infiltration of an opposition's campaign headquarters, trains, that type of thing, I don't see anything illegal about those or anything disruptive or sabotage.

Senator Ervin. Do you see anything immoral in deception?

Mr. Buckley. Deception ?

Senator Ervin. Yes.

Mr. Buckley. I don't see any degree of immorality in deception than I do in sabotage or disruption.

Senator Ervin. Do you see any immorality in lying?

Mr. Buckley. In lying, sir?

Senator Ervin. Yes.

Mr. Buckley. I am sure there is.

Senator Ervin. Well, didn't you lie to Senator Muskie's organization

by telling them that you were supporting him?

Mr. Buckley. I didn't. Maybe the taxicab driver did, but he also told him that he would do errands for him, taking his suits to the cleaners and taking his baggage to the airport and all of those things, he did.

Senator Ervin. And assist you in taking his words off pieces of paper and giving them to his political enemies. He did agree to that, too, didn't he—the taxi driver?

Mr. Buckley. I would not consider them political enemies. I would

call them opposition.

Senator Ervin. We have had some testimony here about people we consider public enemies which was rather astounding to me.

Mr. Buckley. No. sir.

Senator Ervin. Well anyway, you can't emulate Adam's example and put your sins over on the taxi driver. As a matter of fact—

Mr. Buckley. No.

Senator Ervin [continuing]. The taxi driver didn't do anything except what you conspired with him to have him do, did he?

Mr. Buckley. I have no problem with it consciencewise, Mr. Chair-

man.

Senator Ervin. You have no problem with a conscience?

Mr. Buckley, No. sir.

Senator Ervin. Well, do you consider you have a tender conscience or a callous conscience?

Mr. Buckley. I consider I have an active conscience.

Senator Ervin. An active. Does it have any activity except activity which results in stultifying itself?

Mr. Buckley. I don't know how to respond to that question. The

ends justify the means, that type of thing, no. Senator Ervin. You don't believe that?

Mr. Buckley, No. sir.

Senator Ervin. Well, how did you perform all of these things you had performed with the connivance of the taxi driver? In other words, here you took the papers temporarily out of the possession of the Muskie campaign organization and photographed them surreptitiously, and then returned the papers to the Muskie campaign organization and delivered the photographs of the words on those papers to the Committee To Re-Elect the President, didn't you?

Mr. Buckley. Yes, sir.

Senator Ervin. Well, I don't know whether that is larceny or not but evidently the Department of Justice considered it to be larceny when they instituted a prosecution for the stealing of the words of the Pentagon Papers against Ellsberg.

Mr. Buckley. I don't conceive—

Senator Ervin. There might be some technicality that keeps it from being legal larceny but it certainly constitutes moral larceny.

Mr. Buckley. He stole the papers when they were classified.

Senator Ervin. Yes. Well these papers were private, weren't they? You took some of them. Didn't you rifle through Senator Muskie's mail, open his mail?

Mr. Buckley. No, sir. Not once.

Senator Ervin. Well, you read open mail that you saw—the letters, the prepared letters.

Mr. Buckley. I am not sure I read Senator Muskie's letters.

Senator Ervin. Well, how many documents did you take out of his headquarters and photograph and then return the documents to his oganization and give the photographs of those documents to the Committee To Re-Elect the President?

Mr. Buckley. Several.

Senator Ervin. Several. Would that be 50 or 60 or 70 or 100?

Mr. Buckley. I would not be able to estimate at all accurately. I would say dozens, 2 or 3 dozens.

Senator Ervin. Do you reckon it was that little?

Mr. Buckley. Senator, I am sorry, I have no idea how many there were.

Senator Ervin. Is it fair for me to infer from your testimony that you have been engaged in politics a long time?

Mr. Buckley. No, sir.

Senator Ervin. How long have you been engaged in politics?

Mr. Buckley. I have been acquainted with the political area since 1964; not much, if any, before that.

Senator Ervin. That is a 10-year period?

Mr. Buckley. Yes, sir.

Senator Ervin. Can you tell this committee a single thing that you did in that period to purify politics?

Mr. Buckley. To purify politics?

Senator Ervin. Yes.

Mr. Buckley. I would hope that some lessons learned in West Virginia had purified politics down there a little bit since 1964.

Senator Ervin. That is not what you did. That is what somebody

else did, you say.

Mr. Buckley. I did all of the leg work on it.

Senator Ervin. I know, but you investigated somebody else?

Mr. Buckley. Right.

Senator Ervin. I am asking you about your activities in politics other than your investigations, what you did to help the Committee To Re-Elect the President and what you helped other persons do to elect persons to office? In other words, can you name a single, concrete contribution you have made in your 10 years of political life to the purification of the political process?

Mr. Buckley. No. sir.

Senator Ervin. Well, you know, if you take your theory that evil done in the past justifies doing evil in the present—

Mr. Buckley. That is not my theory, Mr. Chairman.

Senator Ervin. Well, maybe it is not your theory, but it is the

excuse you gave to this committee for your actions.

Mr. Buckley. My theory is that a candidate has a right, and it is proper for him to gather intelligence on the opposition, and I expect it is done in most, if not all campaigns.

Senator Ervin. Well, I have never been in a campaign where it was

done as far as I know and I have been in campaigns since 1922.

Mr. Buckley. And you never had any intelligence on any of your opponents?

Senator Ervin. None whatsoever except what I could get out of the

newspaper.

Mr. Buckley. OK.

Senator Ervin. I refuse to accept the theory that because there have been murders and larcenies in every generation, murder has become meritorious and larceny has become legal.

Mr. Buckley. That is not my theory, Mr. Chairman.

Senator Ervin. Why do you draw the line where your theory operates on a lesser scale than that?

Mr. Buckley. I certainly deny there was larceny and murder in anything that I was involved in.

Senator Ervin. That is all. That is all the questions I have.

Any further questions from anybody?

Senator Weicker. Mr. Chairman, yes, just a few last questions here. As I understand it, then, you do not feel that you caused any disruption, but you would admit that what you were engaged in was spying?

Mr. Buckley. Yes, sir.

Senator Weicker. Spying—that is the word?

Mr. Buckley. Spying is the word.

Senator Weicker. Well, let me just make one comment here. It being the football season, you can throw that out, but I can tell you, it is not coming through my side of the line, and I mean it.

How about the public record? Do you think that is a fair place to draw the line, that anything that is a matter of public record is

fair game in the course of an election?

Mr. Buckley. I think that is research. I am sure there is much of that done.

Senator Weicker. And that anything that is not a matter of public record falls into this very area that you were engaged in?

Mr. Buckley. Much of that was public information.

Senator Weicker. Well, if it was public, what you were engaged in, if it was a matter of public record, you do not have to use aliases and photograph things in taxicabs and have plants. In fact, you were not interested in the public record. You were interested in that which was not on the public record. Is that correct?

Mr. Buckley. Senator, I did not have any design when I started this. I had no idea what would evolve from it. What I was interested in is what I was asked to do: Itineraries, position papers, staff lists, that

kind of thing.

Senator Weicker. But you were not interested in the public record, you were interested in that which was not available through normal channels to the public.

Mr. Buckley. I am not sure that I was. I did not give it that much

thought.

Senator Weicker. Is this the first time that you ever recruited a spy to work in a political campaign?

Mr. Buckley. Yes, sir. I had a couple in West Virginia and there

were a couple in my camp.

Senator Weicker. I am asking you, is this the first time that you have recruited a spy to work in a political campaign?

Mr. Buckley. Yes, sir.

Senator Weicker. Is this the first time that you have conducted this type of an operation where you received papers from the spy, photographed them, and turned the results of your work over to a particular individual or political committee? Is this the first time that you have done that?

Mr. Buckley. Senator, as far as politics go, it is the first time. I have deceived and penetrated the Communist Party, the Ku Klux Klan, the Mafia, and hoodlums in Washington, D.C., with methods

similar to this. The methods are all the same.

Senator Weicker. We are not putting Senator Muskie in that category, are we?

Mr. Buckley. No, sir.

Senator Weicker. But this is the first time you have done this in a political campaign?

Mr. Buckley. Yes, sir.

Senator Weicker. So that this committee now has your statements, and those that are privy, which is the whole country, to our discussions, that this is the first time that you have done this type of activity?

Mr. Buckley. No; it is not. In 1964, I did it. In 1964, I fired a couple

of people who were doing it to me.

Senator Weicker. These types of activity. I thought your answer to me was this is the first time you recruited a spy to work in a political campaign.

Mr. Buckley. If that is my answer, I will retract it and say there

was some of it in the 1964 campaign.

Senator Weicker. Which you did?

Mr. Buckley. I had people reporting to me that were working for the Democratic candidate for Governor. And he had my people re-

porting to him.

Senator WEICKER. So this was done not only in the Muskie campaign by you, which is firsthand knowledge, as far as you are concerned, but also you did it once before in 1964?

Mr. Buckley. That is right.

Senator Weicker. And these are the two instances when you have engaged in this type of activity?

Mr. Buckley. Yes, sir.

Senator Weicker. Any others where you have done this type of activity?

Mr. Buckley. Any others? No.

Senator Weicker. So on the basis of your two experiences, every-

body does it, is that right?

Mr. Buckley. I did not say that, Senator. I say it is common that political intelligence-gathering and political espionage are carried on in most political campaigns.

Senator Weicker. Well, I am interested in your firsthand knowl-

edge. Mr. Buckley. Well, all right.

Senator Weicker. In your firsthand knowledge, you have done this twice in the course of your lifetime in government and politics?

Mr. Buckley. Yes, sir.

Senator Weicker. I have no further questions, Mr. Chairman.

Senator Ervin. Any further questions?

[No response.]

Mr. Dash. Mr. Chairman, the witness who would follow Mr. Buckley, which is Mr. Michael McMinoway—his counsel, Mr. Frank Haddad, was grounded in Louisville, Ky., and is unable to get to the committee room until about 4 or 4:30. Therefore, we are unable to produce a witness after Mr. Buckley at this time.

Senator Ervin. Before I excuse you from further attendance, Mr. Buckley, I am constrained to make the observation that I am somewhat intrigued by your statement that deception is different from

dishonesty.

Mr. BUCKLEY. I think I made a distinction between deception and deceit.

Senator Ervin. Well, evidently, Noah Webster did not know about that distinction when he made his dictionary.

Mr. Buckley. I think Larry Brown is a deceptive back, but I do not think he is a deceitful back.

Senator Ervin. The committee will stand in recess until tomorrow morning at 10 o'clock.

[Whereupon, at 12:43 p.m., the hearing was recessed, to reconvene at 10 a.m., Wednesday, October 10, 1973.]

## WEDNESDAY, OCTOBER 10, 1973

## U.S. SENATE, SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES, Washington, D.C.

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gur-

ney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; Marc Lackritz, William T. Mayton, James C. Moore, Ronald D. Rotunda, W. Dennis Summers, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, Michael J. Madigan, and Robert Silverstein, assistant minority counsels; Jed Johnson, investigator; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Bruce Jaques, Jr., office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Michael Flanigan, assistant publications clerk.

Senator Ervin. The committee will come to order. Counsel will call

the first witness.

Mr. Dash. Mr. Michael McMinoway.

Senator Ervin. Mr. McMinoway, will you please stand and raise your right hand. Do you swear that the evidence that you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McMinoway. I do.

Mr. Dash. Mr. McMinoway, I see you are accompanied by counsel.

Will counsel identify himself for the record?

Mr. Haddad. My name is Frank E. Haddad, Jr. I am an attorney from Louisville, Ky., and I represent Mr. McMinoway. And may the record please show Mr. McMinoway is appearing here today pursuant to a subpena.

Mr. Dash. Yes. Mr. Chairman. He is—Mr. McMinoway is under a subpena and is not a voluntary witness. Mr. McMinoway has not requested nor has the committee extended any immunity to Mr.

McMinoway.

Mr. Haddad. That is correct.

Mr. Dash. Mr. McMinoway, will you briefly give your background in political activity prior to the Presidential campaign of 1972?

## TESTIMONY OF MICHAEL W. McMINOWAY, ACCOMPANIED BY FRANK E. HADDAD, JR., COUNSEL

Mr. McMinoway. Yes, sir. I became involved in political activities in 19—I had originally become active in political campaigns in 1956 during the Presidential election of Dwight Eisenhower. Ever since that period, I have worked in every general election and every primary in my home State of Kentucky with the addition of the 1966 Tennessee senatorial election and in the 1972 national Presidential election.

Mr. Dash. During the 1972 Presidential campaign, were you requested by anybody to be a political spy against different major Dem-

ocratic candidates in primary campaigns?

Mr. McMinoway. Mr. Dash, I was contacted in early February 1972 and requested to undertake a political investigation and intelligence-gathering operation.

Mr. Dash. Who contacted you?

Mr. McMinoway. Initially, I was contacted by an old acquaintance of mine, Martin Blackwell from Washington, who informed me that—during the course of our conversation—if I was interested in talking with someone about activities on the national scale in the 1972 election, he would have an acquaintance of his contact me.

Mr. Dash. Did such an acquaintance contact you?

Mr. McMinoway. Yes, sir. In mid-February, I was contacted by a man who identified himself to me as Jason Rainer, who expressed a wish to meet with me in Louisville and discuss employment of the nature you have discussed.

Mr. Dash. When you say, discussed the employment of the nature you have indicated, just specifically what was the nature of this em-

ployment? Did you say, intelligence-gathering?

Mr. McMinoway. Right.

Mr. Dash. What were you supposed to do to gather this intelligence? Mr. McMinoway. We had a meeting in Louisville, Ky., at the Executive Inn Hotel on Saturday morning in which we sat down and spent about an hour and a half working out the details of the specific assignment. The details, as explained to me, were to work in the Presidential primary States and track and infiltrate into the Democratic organizations with the purpose of gathering information pursuant to organizations and personnel of the said Democratic candidates.

Mr. Dash. So it was your express instruction to infiltrate various Democratic campaign organizations?

Mr. McMinoway. Yes, sir.

Mr. Dash. Now, did you know that the true identity of Mr. Jason Rainer was Roger Stone, an employee of the Committee To Re-Elect the President?

Mr. McMinoway. No, sir, I did not.

Mr. Dash. Did you ever learn that Mr. Rainer was in fact Mr. Stone? Mr. McMinoway. Yes, sir, I did. In April 1973, agents of the Federal Bureau of Investigation contacted me at my home in Louisville to arrange for an interview with myself and my counsel pursuant to the activities that I had undertaken in 1972 and it was the FBI who informed me of Mr. Rainer's true identity as Roger Stone.

Mr. Dash. The testimony before this committee that we have already received, Mr. McMinoway, indicates that Mr. Stone actually was an assistant to Mr. Bart Porter of the Committee To Re-Elect the President, and I would like to read this brief reference to your employment that appears in the record that came from Mr. Porter's testimony at page 1543 of the record:

I made total payment of about \$6,000 over a 3-month period, again to Mr. Stone, that was passed on to a Mike. I cannot remember his last name again now. I believe it was McMinoway from Louisville, Ky., who worked in two or three of the primary campaigns.

So that the record does show that not only Mr. Stone, but Mr. Porter of the Committee To Re-Elect the President, was in fact sending on the money. What financial arrangements actually were made by Mr. Rainer with you?

Mr. McMinoway. Originally there had been an agreement reached

I would receive \$1,500 a month for my services.

Mr. Dash. Did you receive that amount?

Mr. McMinoway. If you would refer to your tab 9 [exhibit No. 238] in the folder, this is the only documentation of any financial transactions between Mr. Rainer and myself.

Mr. Dash. You are referring in tab 9 to some financial statement that

appears on a lined piece of paper. Was this prepared by you?

Mr. McMinoway. Yes, sir.

Mr. Dash. Does this reflect the total amount of payments that you received?

Mr. McMinoway. Yes, sir, it does.

Mr. Dash. And it shows on that March 17, 1972, \$983. April 14, \$983. April 30, \$683. May 12, \$983. May 26, \$700. June 16, \$487. June 29, \$500, and July 8, \$487.75. I left the 75 cents off of an earlier one, but the total appearing on your accounting is \$5,808.10, is that correct?

Mr. McMinoway. Yes, sir.

Mr. Dash. Now, were you aware, by the way, that Mr. Porter at the Committee To Re-Elect the President identified you at the committee under the code name Sedan Chair II?

Mr. McMinoway. Not in 1972, sir. Mr. Dash. Did you later learn that?

Mr. McMinoway. Yes, sir. The staff members of this committee informed me of that.

Mr. Dash. Were you ever aware that your reports or some of your reports coded Sedan Chair II were forwarded to Mr. Haldeman by Mr. Magruder through Gordon Strachan, Mr. Haldeman's assistant?

Mr. McMinoway. I first learned that when Mr. Strachan testified

before this committee.

Mr. Dash. You also heard of the testimony of Mr. Strachan in the record, that he in fact, attached one of your reports to what he stated was a sophisticated intelligence plan being developed by the committee, which he later destroyed after the break-in on June 17. But were you aware of this activity; that is, the fact Mr. Strachan was passing on this information?

Mr. McMinoway. Not in 1972, certainly.

Mr. Dash. You learned it actually from either the FBI or staff consultations with us.

Mr. McMinoway. The committee staff initially informed me of that and then I witnessed it on the testimony, watching the testimony in

Louisville when Strachan testified to the fact that he had—in fact, I believe he labeled it tab 18 of my report—had been forwarded.

Mr. Dash. Who did Mr. Rainer actually indicate he was working

for?

Mr. McMinoway. On the initial contact in 1972 he informed me he was working for a group of concerned citizens that were interested in the outcome of the 1972 Presidential election.

Mr. Dash. Did there come a time when you had any beliefs or suspicions that in fact you were not working for a group of concerned

citizens?

Mr. McMinoway. No, sir, I feel that they were concerned.

Mr. Dash. Did you ever come to believe that you may actually have

been employed by the Republican Party?

Mr. McMinoway. Yes, sir. I began to suspect that probably after maybe a month of employment when the general mode of the activities and the form of the operation was pretty well set into full force and it was obvious that I was not bipartisan in any respect, in other words,

I never worked in any Republican organizations.

Mr. Dash. Now, is it true, Mr. McMinoway, that you infiltrated the Muskie headquarters in Milwaukee for the Wisconsin primary, the Humphrey headquarters in Philadelphia for the Pennsylvania primary, the McGovern headquarters in Los Angeles for the California primary, and McGovern headquarters in the District of Columbia, and after the Watergate break-in just before the Democratic convention, the McGovern headquarters at the Democratic convention in Miami?

Mr. McMinoway. All of those assumptions are correct except I worked in the Humphrey headquarters in Los Angeles and not the McGovern headquarters. I did have contact with McGovern people in California, but primarily I was sent to Los Angeles to work in the Humphrey campaign.

Mr. Dash. Humphrey? Now, did you choose each of these assignments such as the State to go to on your own or were you following

instructions?

Mr. McMinoway. I was following instructions.

Mr. Dash. These were again instructions of Mr. Rainer who we now know as Mr. Stone.

Mr. McMinoway. Yes, sir.

Mr. Dash. Did you get a specific instruction for each assignment or were the instructions covered by the initial meeting with Mr. Stone?

Mr. McMinoway. The itinerary of the different assignments was set by Mr. Rainer. In other words, he would tell me to which State to travel, usually to which city, he would tell me what organization they would like to have information about, but the actual operational procedures were left entirely up to me.

Mr. Dash. Did you on a fairly regular basis, send Mr. Rainer or Stone materials that you were able to get from the particular head-

quarters you had infiltrated?

Mr. McMinoway. Initially, sir, the procedure was, I was supplied with a post office box in Washington, D.C., to which I would send any relative document or information that I would feel necessary to fulfill my obligation of intelligence gathering.

Mr. Dash. And you obtained these documents or any materials that you felt necessary in your assignment from inside the headquarters

you had infiltrated?

Mr. McMinoway. The documents I referred to are not private or secret documents. These documents are documents that were planned for public inspection. I at no time, during the course of my employment, copied, borrowed, stole, or removed any documents from the headquarters other than those which were given to me by a person in authority to pass out this information.

Mr. Dash. But you did obtain some of the advanced scheduling of

the candidate, did you not?

Mr. McMinoway. Yes, sir. I made it a specific part of my operation to work whenever possible on scheduling and advance work so that—

Mr. Dash. And you received this prior to the time that schedule

was made public, did you not?

Mr. McMinoway. In most instances, sir, I was working with the group of people that were making the arrangements for the schedules.

Mr. Dash. Yes; but I mean the advantage of your having it in advance was that you could provide this information prior to the actual public publication of this information, was it not?

Mr. McMinoway. Yes, sir.

Mr. Dash. You had advance intelligence?

Mr. McMinoway. The objective was to get the information before the newspapers printed it.

Mr. Dash. Yes; so that actually at the time you got it, it had not

yet been made public?

Mr. McMinoway. No, sir.

Mr. Dash. You also got such things as copies of lists of workers, copies of intercoms, numbers of internal staff workers, things of that nature, did you not?

Mr. McMinoway. Yes, sir, I tried to compile myself lists of personnel working in the different organizations within that organization.

Mr. Dash. And while you were in the organization—I will get to your diary in a moment—wherever you could, you read whatever you could read that was on desks or around, and I think that sometimes you referred that you pumped various staff members for information. Is that not true?

Mr. McMinoway. Yes, sir, I did try to read as much as I could and listen. That was one of the major sources of my information, from conversations with the actual staff members and organization people.

Mr. Dash. So that you were trying to do as thorough an intelligence-gathering operation as you could, having infiltrated in a particular

campaign headquarters?

Mr. McMinoway. Yes, sir. When I took the job, I made it a point to try to do the job well and verify all the information I could and sometimes I would receive information from conversations and try to verify them from what I read and vice versa.

Mr. Dash. You used the word "infiltrate" when I asked you if you became a political spy. I am not trying to deal in semantics. When you obtained each of these jobs, for instance, when you went up to Wisconsin and joined the Muskie campaign headquarters operation in Milwaukee, how did you obtain the job?

Mr. McMinoway. The normal procedure was to start off as a volunteer worker in the particular organization from which I wished to

gather information.

Mr. Dash. And how did you represent yourself?

Mr. McMinoway. As a volunteer worker.

Mr. Dash. Interested in working for, say, the Muskie primary election?

Mr. McMinoway. Yes, sir. I progressed throughout the organizations and throughout the campaign by being able to perform campaign organization activities very successfully. I would actually work for the candidate to gain the confidence of the particular organization.

Mr. Dash. You did not, in fact, inform any of these people that you were, one, a Republican, and two, were being employed to come into that headquarters for the purpose of obtaining information to send either to other candidates or back to your employer? Did you inform anybody that that was your role?

Mr. McMinoway. I was never asked that, sir.

Mr. Dash. Well, you were so successful, perhaps, that nobody even thought to ask. But you never volunteered that information?

Mr. McMinoway. No; I never volunteered that information.

Mr. Dash. As a matter of fact, the success of your operation depended upon the fact that you were able to have the Muskie people, for instance, in Milwaukee believe that you were a true volunteer interested in helping Muskie's candidacy?

Mr. McMinoway. I would assume that that is the reason that they

told me a lot of the stuff they did.

Mr. Dash. Now, in addition to any materials that you might have sent on to Mr. Stone or Rainer, as you knew him, were you in telephone communication with him?

Mr. McMinoway. Yes, sir, I was.

Mr. Dash. How frequent was the communication you kept with

Mr. Stone?

Mr. McMinoway. In Milwaukee, it was about on an every-other-day basis. But later on in the operation, as the operation became more and more technical and it involved more and more information gathering, it became a minimum of daily conversations, sometimes several times a day.

Mr. Dash. Mr. Stone was very much interested in what you were

learning on a daily basis, then?

Mr. McMinoway. Yes, sir, some of the information that I obtained

was rather timely.

Mr. Dash. Now, did you keep a diary in your infiltration work in Wisconsin and in Pennsylvania?

Mr. McMinoway. Yes, sir, I did.

Mr. Dash. I think just for purposes of identification of these diaries, look at tab 2 [exhibit No. 231], which appears to be a diary beginning March 21, Milwaukee, ending March 31; and then tab 4 [exhibit No. 233], a diary, I think, which appears to be one in Philadelphia beginning April 10 and ending on April 22. I think you have had an opportunity to review these on prior occasions with the staff. Do these reflect accurately, copies of the diary entries you made?

Mr. McMinoway. Yes, sir, they do.

Mr. Dash. As a matter of fact, your diary entries were really handwritten and at a later time you had them typed, is that true?

Mr. McMinoway. Yes, sir, at the request of the committee.

Mr. Dash. So what we have here is not really your diary entries, but a typed copy that you had made of the actual entries?

Mr. McMinoway. Yes, sir.

Mr. Dash. What was the purpose of keeping the diary?

Mr. McMinoway. So that I would be able to refer back. The particular operation that I was involved in required a considerable amount of name-dropping and association and I was involved with quite a few different people and I was sometimes working in two or three different headquarters and it was necessary for me to keep a diary so I knew where I was on particular days and dates and times and where I planned to go and especially, to keep the people straight, the names of the people and the particular organizations they worked in.

Mr. Dash. Now. after your Pennsylvania activities you moved on to California, the District of Columbia, and later the Miami convention, we do not have an actual diary, but summary reports of your activities. Did you, after the Pennsylvania activity, cease keep-

ing a diary?

Mr. McMinoway. Yes, sir, I went to the note system for two reasons. One, I was informed by a friend of mine who works in intelligence-gathering operations for the U.S. Government related to the reelection committee activities, that if you keep a lot of notes, you might lose your notes and somebody might find your notes. So I felt that the least amount of written material that I left lying around—what provoked this initial thing in my room in Wisconsin was broken into and it made me start to think about, you know, somebody could break in to steal money and find that, and it might be embarrassing if it came out during the time that I was working in these different organizations.

Mr. Dash. The advice might have been well given with regard to the diary that was actually kept in Wisconsin and Philadelphia, which

the committee now has in its possession.

Mr. Haddad. Mr. Dash, he voluntarily turned that over.

Mr. Dash. Oh, I know.

Mr. Haddad. And no one knew that he had that.

Mr. Dash. I know, but it was in his possession, and he did volun-

tarily turn that over for the record.

In Wisconsin, what kinds of questions did Mr. Stone ask you? What was he interested in obtaining? I think we had some reference in some eariler information that you had given the staff, that Mr. Stone had questioned you about anti-Muskie activity, anti-McGovern, anti-Nixon activity, financial contributions to Mr. Muskie, Mr. McGovern. Is this

generally the area you were interested in?

Mr. McMinoway. Basically, that was at least a part of the information that I tried to gather. Personnelwise, I was to try to obtain as much information on as many of the actual staff of the particular candidates, a little about their background and what their specific duties within the organization were at that particular time. Initially, in the March period of time, when I was working in Milwaukee, it was of interest to Mr. Rainer, the contributions that Muskie was receiving, because this was in the gray line period right before the April 7 Federal legislation on campaign financing came into effect and they were interested in the amounts of money, and, if possible, who was donating the money and so forth.

Mr. Dash. Now, while you were gathering this information in your role as infiltrator or as a spy, whichever you may wish to accept, you

occasionally caused some disruption or confusion in Senator Muskie's campaign activities. Is that true?

Mr. McMinoway. What do you have reference to?

Mr. Dash. Let me refer you to your diary on March 28, which says that, the entry indicates that you took four people out to—it looks like "A. O. Smith Co., to pass out leaflets. It was cold, so I talked them into drinking beer instead of passing out leaflets." I take it that may have been a reason—that it was cold to go in and drink beer, but at the same time, you saw to it that the leaflets were not passed out. Is that true?

Mr. McMinoway. The leaflets were in fact not passed out. The motivation was not to disrupt at this particular time. It was just

colder than hell on this particular day.

Mr. Dash. Was it just a coincidence that the leaflets were not passed out?

Mr. McMinoway. I don't know whether it was a coincidence or not.

Mr. Dash. Well, it was in the interest of your operation that the

leaflets were not passed out, was it not?

Mr. McMinoway. It was not in the interest of my particular operation, but personally, I felt if they didn't get passed out, it would not

hurt anything.

Mr. Dash. Let's follow it up if this was not in the interest of your operation. Look at March 29. You say that you first went over to the Muskie headquarters and obtained a revised schedule of events, stayed at the headquarters all afternoon. Then your diary indicates that you went over to the Lincoln Avenue headquarters and removed the listing of people that were to be contacted Sunday, April 2. So by your removing that, those people would not be contacted on April 2, would they?

Mr. McMinoway. No, sir; that is not indicated in the diary and that is in fact—after reviewing the diary—that is not the case. The people were still called, but I copied the list because it was a list of names of campaign workers and I forwarded that on to Mr. Rainer. That document of names and workers is in the material

that I provided this committee.

Mr. Dash. Is the entry then incorrect? The word you used in your

entry is "removed," not copied.

Mr. McMinoway. The entry is correct, but the terminology or the interpretation of the terminology—by "removed" I didn't mean that I removed it from the headquarters, but I did in fact obtain

a copy of it.

Mr. Dash. Well, what I am getting at is in addition to intelligence gathering, there was some other sort of espionage activity you engaged in. On March 30, for instance, your diary says you went over to the Humphrey headquarters and gave them a Muskie schedule.

That was not intelligence gathering. You were actually giving Hum-

phrey headquarters Muskie schedules.

Mr. McMinoway. Yes, sir.

Mr. Dash. And that was for the purpose of giving them some advantage, I take it, over Muskie?

Mr. McMinoway. Yes, sir.

Mr. Dash. And on March 31, there is an entry that perhaps you can give us some additional explanation for. You say that you

"went down to headquarters and diverted some election day precinct materials." What does that mean? What did you do when you say in your diary you diverted some election day precinct materials?

Mr. McMinoway. I don't recall this particular instance. I don't

know.

Mr. Dash. Now, on March 25, 1972, you made a significant entry in your diary. If you could look at the bottom of the first page of the diary and let me read this to you, perhaps you can elaborate on this entry. You went to McGovern headquarters and talked to Southwick\* about Sunday TV interview with Muskie that Southwick planned to disrupt.

Then if you go on to the next page, the top of the page, you say you went back to McGovern headquarters and watched McGovern people making signs for Sunday, like "America Needs a Leader, Not a Crybaby." "The McGovern People Are Very Enthused About Marches

Against Muskie."

You indicated you saw these things yourself. Was this an event in which you were observing McGovern people actually preparing the posters and preparing to engage in anti-Muskie activity?

Mr. McMinoway. Yes, sir, it was.

Mr. Dash. Did you know how they were going to use these posters?

Mr. McMinoway. I know how they used them.

Mr. Dash. Could you tell us that? Did they come out—did these people come out as McGovern headquarters—identified as McGovern workers?

Mr. McMinoway. No, sir, they didn't; they came out as unidentified or unalined protesters. The scheme of the thing was that, to put the thing in retrospect, Muskie had made a plan or had planned an appearance on a TV Meet the Press type program that was going to be taped live in Milwaukee during this campaign period and the objective of the McGovern people was to get outside of the TV station before Muskie went there to tape the show and have a little protest and hold up these types of signs, hoping to upset him. At this particular period of time, Mr. Muskie was very vulnerable to heckling and protesting and the protesting and heckling did in fact seem to upset him and cause him not to be able to speak fluently and conduct himself in a controlled manner during campaigning.

Mr. Dash. Actually, on your entry of March 27, you write that

"his"—referring to Muskie.

His little speech was a disaster. Protesters started in on him as soon as he stood up to talk. They had the whole crowd shouting and hollering at him in about 5 minutes. The amnesty question just totally ruined Muskie's whole program.

Were these hecklers the same type of people you have indicated from

McGovern headquarters?

Mr. McMinoway. They were in fact the same group of people. March 27 is a different day and a different incident. This was at the University of Wisconsin in Milwaukee. It was the same group of people who worked in the McGovern campaign headquarters in Milwaukee. But it was the same type of tactics, the heckling and the signs and so forth.

<sup>\*</sup>Subsequent to the hearing, the committee received a letter from Thomas P. Southwick with an affidavit answering the allegations made about him by Michael McMinoway. The letter and affidavit appear on p. 4892.

Mr. Dash. Did you observe any other activity of the McGovern people on any other candidate which was directed at one of the other primary candidates in this way?

Mr. McMinoway. Yes, sir, I did, not only in the Wisconsin primary

but also in Florida and California.

Mr. Dash. I am going to talk very briefly to each of the other primaries.

In Wisconsin, just briefly tell us what you noticed in Wisconsin.

Mr. McMinoway. The most outstanding thing in Wisconsin, or the two or three instances that you will notice on tab 2 of your sheet under March 23, where they had planted questions among—

There was a debate at the University of Marquette in Milwaukee and this was a debate planned between representatives of the McGovern staff and representatives of the Muskie staff. The McGovern people had planted questions for the—they had a question and answer period and they had planted questions throughout the crowd that they felt would embarrass the Muskie people.

Mr. Dash. On March 23, you have in your diary that the McGovern people were taking down Muskie signs. Did you observe that?

Mr. McMinoway. Yes, sir, in several States.

Mr. Dash. By the way, how was it that while you were working and having infiltrated the Muskie headquarters, that you had such freedom of access to the McGovern headquarters?

Mr. McMinoway. Because of my initial contact with the youth movement—my association with the youth movement of the McGovern

people.

Mr. Dash. Who was Mr. Southwick that you referred to in your diary?

Mr. McMinoway. He was the McGovern coordinator.

Mr. Dash. Was he the one you had gotten to know?

Mr. McMinoway. Yes, sir, I had met him at a headquarters closing beer drinking session.

Mr. Dash. After the Wisconsin primary election did Mr. Stone-Rainer instruct you to go to Philadelphia and infiltrate the Humphrey campaign?

Mr. McMinoway. Yes, sir, it was several days later I received a

procedure call that instructed me to go to Philadelphia.

Mr. Dash. How did you become a member of the Humphrey campaign activity in Philadelphia? What did you do, how did you act?

Mr. McMinoway. Part of the procedure that I followed throughout the campaign activity was, the first day I would arrive in a city that I was assigned to, I would check out the locations of all the headquarters for all the different contending candidates and I would make a chart of where they were, the phone numbers and so forth. What I did was, I found out the location of the main Humphrey headquarters in Philadelphia, and I presented myself there as a volunteer.

Mr. Dash. Who did you speak to at that time?

Mr. McMinoway. Miss Gertrude Adcovitz who, I was informed, was in charge of the volunteer workers.

Mr. Dash. Did you identify yourself with any particular name?

What name did you use?

Mr. McMinoway. In Philadelphia and throughout the campaign I used the name Michael Snow with the Humphrey people and my own name Michael McMinoway with the McGovern people.

Mr. Dash. How did you identify your occupation or work when you spoke to the Humphrey campaign workers?

Mr. McMinoway. The Humphrey campaign people assumed I was

a salesman

Mr. Dash. Did they assume it on the basis of representations you made?

Mr. McMinoway. No; I am not really sure how this particular—the first time that I actually knew that they thought I was a salesman was when I read an article in the Louisville Courier, yesterday, in which it said Miss Adcovitz referred to me as a salesman but I do not recall using that modus.

Mr. Dash. Did you ever tell her that you were at least a businessman who worked during the day and you could give them volunteer

work at night?

Mr. McMinoway. No, sir, I worked day, night, nighttime and throughout. It was never really asked, they were grateful that they had a volunteer and they were not going to question—

Mr. Dash. But in Wisconsin you represented yourself to be a volun-

teer interested in helping the Humphrey campaign?

Mr. McMinoway. Yes, sir.

Mr. Dash. Was your assignment the same in Philadelphia as it was in Wisconsin?

Mr. McMinoway. Yes, sir, initially it was.

Mr. Dash. Did you have the same type of reporting schedule with Mr. Stone?

Mr. McMinoway. Yes, sir, up until midway through the Pennsylvania or Philadelphia assignment, I would continue to send in documents and so forth.

Mr. Dash. Your Philadelphia diary which you have identified as an accurate record that you kept, indicates that you were put in charge of the phone bank and block captain programs, what were these

programs?

Mr. McMinoway. Initially, the Humphrey headquarters in Philadelphia had set up a phone bank headquarters separate from the main headquarters. It was a building, 2-, 3-story building. On the second floor there were 20 phones, they had operators at these phones and they used a system that Mayor Rizzo initiated in his successful candidacy for the mayor of Philadelphia, whereby they would take cross-index cards of streets or blocks as they referred to them and he would call all the people on the respective blocks until they found a worker that would volunteer to be a block captain and represent the Humphrey people in that area. The purpose of this was to have an outlet for their literature and their campaign propaganda and to help get out the vote on election day and so forth.

Mr. Dash. And you were put in charge of that phone bank opera-

tion as supervisor?

Mr. McMinoway. I was assigned to help supervise it. I was not put in charge but—

Mr. Dash. Now, after you had that assignment of supervisor you began to sort of mess up the program, did you not?

Mr. McMinoway. I did not help the situation any.

Mr. Dash. Let me just read on April 11 in your Philadelphia diary, down toward the bottom you wrote, "I promptly put people on calling

and duplicating cards that had been done by the day shift." In other words, there was a day shift that called people to become block captains and you had people call the same people in the evening?

captains and you had people call the same people in the evening? Mr. McMinoway. Yes, sir. They had stacks of cards similar to 3-by-5 index cards, and previous to the time I came over there the thing was not working very successfully, but I just stopped after that day—the cards that were there the day I came were the ones that were there the day I left. I never went to the stockroom to get new supplies of cards.

Mr. Dash. But look at April 12, it does not show a passive act. You wrote on April 12: "I rearranged the cards again, that night shifts would recall a lot of day shift cards." I take it that is an accu-

rate statement of what you did?

Mr. McMinoway. That is the way I read it, sir.

Mr. Dash. Now, the impact and the effect of this repetitive calling you reflect in your diary on April 14, and you write:

Repetition of calls is starting to aggravate the volunteer block captains. The captains are getting called two or three times and it is beginning to bother them. Some captains have already quit because of the repeated calls.

So this repetition did have a disruptive effect in getting block captains?

Mr. Minoway. Do you want me to answer that?

Mr. Dash. Yes.

Mr. McMinoway. Yes, sir.

Mr. Dash. Again on April 20 you state that, "We put some lists on the phone tables that had already been called so that repeat calls

will be made tonight," so this was continued again.

Actually, this caused quite a bit of trouble for Mr. Humphrey because—do you not indicate on April 11 that Mr. Humphrey was spending one-third of his budget on the phone bank and literature packets that the block captains would distribute?

Mr. McMinoway. This is the information that the Humphrey peo-

ple had given me.

Mr. Dash. So that causing this disruption, in terms of repeated calls and getting block captains to be annoyed and some quitting, was taking quite a bite out of the expense that Mr. Humphrey had allotted for the use of the phone banks. Is that true?

Mr. McMinoway. Yes, sir, it was.

Mr. Dash. On April 22 you wrote that you yourself called people out of the Humphrey headquarters and urged them to vote for Jackson. You did do that?

Mr. McMinoway. Yes, sir.

Mr. Dash. That was 3 days right before the primary election. This is more than intelligence gathering, is it not?

Mr. McMinoway. Yes, sir.

Mr. Dash. Your diary also indicates that you played a role in hiring persons for the phone bank in a later operation. What did you mean on April 18 in your diary when you state "I really lined up some winners." What did you mean by winners?

Mr. McMinoway. Evidently these people were of low caliber

qualifications.

Mr. Dash. Winners for you, losers for them, right?

Mr. McMinoway. Possibly.

Mr. Dash. On April 19 you wrote in your diary that:

Went to the phone bank and checked on my workers as they were waiting for me at the door. I got them to separate the union and Negro cards into uneven rationed stacks. The 60 people lined up yesterday did not show up for work, only 24 came. The cards were so placed that anyone calling them could not distinguish between a Negro call sheet or a union call sheet. The call sheet is the speech read to the person called.

So as a result of that, I take it that some union people received a call that was directed to black voters and a black voter received a call directed to a union member?

Mr. McMinoway. In some instances.

Mr. Dash. I think you also were able, with all this, to win quite a

bit of confidence in the Philadelphia headquarters.

Mr. McMinoway. Yes, sir. The jobs that I did with Miss Adcovitz and with the other staff members were always carried out to the best of my ability to be successful for the Humphrey candidacy, anything that I did that they specifically instructed me to do was done correctly.

Mr. Dash. I take it, from what we have just referred to on the phone bank, some of these things were not done to carry out the

Humphrey activities successfully?

Mr. McMinoway. To put the situation into context, the phone bank situation was a mess when I got there. There was no proper supervision by the Humphrey staff conducted in that area. They spent a lot of money paying the expenses of the phone bank but they spent very little time supervising it and no real direct orders were given to the people working there as to the proper way of carrying it out. The phone bank system was new to me when I got there. I did use this opportunity to learn about it and so that in the future I would understand what this type of a setup was with the block captain.

Mr. Dash. Whatever bad situation it was, you took advantage of

that also to keep it that way.

Mr. McMinoway. I didn't take advantage of it to keep it that way, sir. It was just my intention from the outset not to do anything that

would really jeopardize my position or uncover my——

Mr. Dash. If you were a true volunteer, really trying to help the Humphrey activity and you would have seen the fact that these various calls had been made, you would not have arranged cards to have people called again and you would not have permitted a situation where the cards would have been so disarrayed that black voters would get union messages and union voters would get back citizens messages.

Mr. McMinoway. I think that is obvious.

Mr. Dash. All right. Now, in fact you were really so successful in winning the confidence of those you were working with that in your diary on April 13 you will note that you wrote:

I went over to the Adelphia Hotel where I met ex-Mayor Jim Tate. He is so thankful I am helping at the phone bank. He invited me to a big party election night. He told me they were depending on me to get the sample ballots distributed to block captains.

That was quite a commendation on your role.

At that time, by the way, I take it you did not inform ex-Mayor Tate what your real identity was?

Mr. McMinoway. No, sir.

Mr. Dash. You accepted this compliment as a volunteer for Mr.

Humphrey.

Look at April 20, where you say that, "After lunch Sam Parelman, national coordinator from Washington came by and talked to me about working in California. Parelman called Joe" is it "Cerrell"?

Mr. McMinoway. Yes.

Mr. Dash [continues reading]:.

Joe Cerrell the L.A. Chairman for me and told him I would work in L.A. headquarters. Mike Polin sent L.A. headquarters a big letter introducing me as "an avid Humphrey supporter that could be trusted in any project."

I think your crowning victory in terms of gaining confidence, you report in your Philadelphia report which I think is on tab 5 [exhibit No. 234] where you indicate that after your infiltration of the Humphrey headquarters by complimenting the elderly office manager, Gertrude Adcovitz you were a dedicated Humphrey supporter.

Once I gained her confidence by working on menial projects, I was home free. It has continued to amaze me how far you can go inside headquarters by just walking in off the street. Gertrude told me one night while we were working late on our separate goals that "Once in every campaign a great worker walks in off the street and really helps in the campaign."

And she was referring to you?

Mr. McMinoway. That is in the report; yes, sir.

Mr. Dash. Right. Then you add the interesting comment, "I often wonder how many great workers were also serving a dual role."

Now did you also cause some confusion in the mailing to block

captains?

Mr. McMinoway. Specifically what are you referring to, the

stamping?

Mr. Dash. Let me refer you to April 20, where you say that "The mailing today"—second page of the April 20 diary entry, "The mailing today was successful. The block captains will receive the mailing

Monday that should go to ward leaders."

Mr. McMinoway. Yes, sir; I would like to point out that in the diary it mentions Mike Polin, who was also—he was in fact a delegate to the national convention for the Humphrey campaign. He was the titled supervisor of the headquarters. In other words he was the one officially in charge of this headquarters and he is the one who conducted the distribution of those sample ballots and so forth, and unfortunately for him, with no political experience he did not know the difference in the vertical and horizontal voting machine on the sample ballots.

Mr. Dash. Did you know them? Mr. McMinoway. Yes, sir, I did.

Mr. Dash. You took no steps, of course, to correct it?

Mr. McMinoway. No, sir.

Mr. Dash. And therefore when you said "The mailing today is successful," this is again successful for you but not very successful for them?

Mr. McMinoway. I am not sure on this particular instance whether I was referring to the fact that it was successful from my standpoint that it was not done correctly or——

Mr. Dash. Look at-

Mr. McMinoway [continuing]. Or in fact all the mailing did in fact go out.

Mr. Dash. The sentence that follows says: "The block captains will

receive the mailing today that should go to the ward leaders."

Mr. McMinoway. Again a separate sentence. I unfortunately can't remember things explicitly. Some of the details you asked me about I remember as definite uncooperative activity but not this particular incident.

Mr. Dash. All right. Now, finally before you left Philadelphia you did see to it that some needed workers that were supposed to work at Humphrey headquarters a day or two before the primary election never went there. Look at your diary entry of April 22, where you state that—the last part of the entry: "The phone bank workers were supposed to help tomorrow and Monday at Adelphia" which I take it is the headquarters?

Mr. McMinoway. Yes, sir.

Mr. Dash [continues reading]. "And I told them we would not need them because the phone bank is closed today." That meant those particular workers, which was just prior to the primary election, were not available on the day they were needed.
Mr. McMinoway. Yes, sir.

Mr. Dash. Now, while you were working inside the Humphrey headquarters, did you learn of a person named Mr. Zimmer?

Mr. McMinoway. In the Humphrey headquarters?

Mr. Dash. Working either in McGovern headquarters or any of the other Democratic candidates' headquarters. Did you know of a person by the name of Mr. Zimmer?

Mr. McMinoway. No, sir, I don't believe so.

Mr. Dash. Did you learn while working in the Humphrey headquarters of any heckling Mr. Humphrey experienced in his appearances in Philadelphia?

Mr. McMinoway. Practically every time Mr. Humphrey appeared, especially before any youth or younger organizations or groups he was heckled and protests took place, and oftentimes objects were thrown at him.

Mr. Dash. Did you know of a Mr. Donald Segretti?

Mr. McMinoway. No, sir, I did not.

Mr. Dash. Were you aware there was a Segretti operative named Zimmer in Philadelphia? We had read into the record through Mr. Segretti, a statement that he had called Mr. Humphrey's headquarters representing himself to be a reporter and blaming the Muskie people for the hecklers and the disrupters.

Did you know that Humphrey believed, or did you have any information that you received that the Humphrey workers believed that some of the Democratic candidates were actually creating this trouble

Mr. McMinoway. Yes, sir. I know in fact that some of the Democrats, as I testified to earlier, some of the other Democrats were in

fact sabotaging Democrat campaigns.

Mr. Dash. Did you know, in fact there were some agents actually hired by a Republican worker, Mr. Segretti, who was creating some of this heckling for Mr. Humphrey?

Mr. McMinoway. No, sir; I did not hear that until I heard of it before this committee.

Mr. Dash. After the Pennsylvania primary election were you instructed to infiltrate the McGovern campaign in Los Angeles for the

California primary by Mr. Stone or Rainer?

Mr. McMinoway. No, sir, I was specifically instructed to follow up my contact with the Humphrey people and go to Los Angeles and work with Humphrey people, although while I was in California I ran into a lot of the people. I stayed in Santa Monica and there was a head-quarters right down the street from my hotel.

Mr. Dash. So you were in the Humphrey headquarters but you were

also----

Mr. McMinoway. In contact with McGovern people.

Mr. Dash. I think you told us earlier while in California you used two names, your own name, Michael McMinoway, and Michael Snow. In the California campaign were you registered in the hotel under both names?

Mr. McMinoway. Yes, sir. In Wisconsin after I became successful in infiltrating the McGovern and Humphrey headquarters it was nec-

essary I register in a hotel by both names.

Mr. Dash. So I take it if Humphrey people wanted to call Michael Snow and the McGovern people, if they wanted to get Michael Mc-Minoway, they would get you and that was you?

Mr. McMinoway. Yes, sir; those two names appeared on the regis-

tration, right.

Mr. Dash. Was your assignment again the same in Los Angeles as in the Milwaukee activity and the Philadelphia activity?

Mr. McMinoway. Basically it was.

Mr. Dash. Were you keeping up a regular reporting schedule with Mr. Stone?

Mr. McMinoway. Yes, sir. But this time we were on a daily phone conversation system. The mailings and the written report system had

been dropped.

Mr. Dash. Did you become aware of an anti-Humphrey pamphlet showing him holding a big fish with the slogan, "A Fishy Smell for the White House"? [Previously entered as committee exhibit No. 219 and appears in Book 10, p. 4299.]

Mr. McMinoway. No, sir; not until Monday morning when members

of this staff asked me about it.

Mr. Dash. I think when we asked you about it you said you were aware there was an anti-Humphrey pamphlet, you saw it.

Mr. McMinoway. Yes, sir; I knew of the pamphlet's existence, but

I did not know who had----

Mr. Dash. I am not asking you whether you knew who had actually instigated the pamphlet or produced it, but you knew about the pamphlet while working for Humphrey.

Mr. McMinoway. Yes, sir.

Mr. Dash. What was the Humphrey staff reaction to that pamphlet?
Mr. McMinoway, Well, not only this pamphlet but other incidents

Mr. McMinoway. Well, not only this pamphlet but other incidents that took place in California. By the time of the California election it had pretty well narrowed down to Humphrey versus McGovern and it wasn't a very wide open field, just those two, and there was considerable amounts of hard feelings toward the other side.

Mr. Dash. Just speaking for the moment of the pamphlet before we get to other matters, was there a feeling from the Humphrey people this was a McGovern trick?

Mr. McMinoway. Yes, I believe at that time they thought it had

been put out by the McGovern people.

Mr. Dash. I think you have indicated that you at least heard of this from the testimony here and our committee has already received evidence that this particular pamphlet was the work or product of Mr. Donald Segretti and his operatives who were working for a White House official, Mr. Chapin.

Did you observe any heckling that Mr. Humphrey had to go

through while in Los Angeles?

Mr. McMinoway. Yes, sir; I did.

Mr. Dash. Give us an example of that.

Mr. McMinoway. Probably the two best examples of campaign heckling was on one occasion where there was a-I believe it was a \$100a-plate dinner at the Beverly Hilton Hotel in Los Angeles given to raise campaign funds for the Humphrey group, and on this occasion the Santa Monica McGovern youth workers massed into a little van and drove down to the Beverly Hilton and marched up and down in front of the hotel where the dinner was going to be held with the pur-

pose of trying to harass the guests for this dinner.

Another occasion, in fact, that I can remember where I was present, was Humphrey and his wife were to-had a prearranged press, what I call a videotape commercial. They had called a bunch of press people who were extremely favorable to them, and they had planned a series of tours through nursing homes and throughout the Los Angeles area, and the idea was that Humphrey would go in and show his deep concern for all the old people and the sick and the downtrodden and the newspaper people would, you know, take pictures of this, and use it in news and then they also had Humphrey people taping these events to use for a TV commercial they planned to use later in the campaign.

Mr. Dash. Did this cause bitterness among the workers and Mr.

Humphrey himself as to other members of the Democratic candidates'

staff?

Mr. McMinoway. There were times when Mr. Humphrey would become slightly irritable. Mr. Humphrey, of all the Democratic candidates that I worked for or with, or in association, or in the same organization, Humphrey could handle the hecklers and the demonstrators much better than, say, Muskie or McGovern. Even McGovern, with his youthful campaign strategy and all the youthful workers he had around, he really could not handle, you know, the direct protest against

Mr. Dash. This particular one you just told us about involving the old people's appearance, did this affect Mr. Humphrey very much?

Mr. McMinoway. I think the major effect of this was that it disrupted the schedule and it was not permissible for the cameras to film it in quite as smooth a manner as they had hoped. With the disruptions outside, the noise, it was impossible to have audio with the video because of some of the obscene things that were said and the language and the tones—especially the tone and attitude of the demonstrators. Often in California, demonstrations that I noticed were more verbal and had a more violent attitude than some of the earlier ones. The ones

directed against Muskie, for instance, that we mentioned in Milwaukee were simply efforts to just shout him down. But by the time that I got to California, traveling with the campaign, the demonstrations had become more personal and more deceit oriented. They were specifically directed at individuals and had slur-type remarks.

Mr. Dash. I think the committee already has received some evidence from Mr. Segretti that his assignment to his operatives was to arrange for hecklers against any one of the candidates who would appear, making it appear like it is coming from one of the other candidates. Did

you know what the source of some of this heckling was?

Mr. McMinoway. No, sir. The only sources of planned protest that I knew of were the ones that McGovern had planned against Muskie in Wisconsin and against Humphrey in California.

Mr. Dash. Now, after the California primary, which was just prior to the break-in at Watergate, when did you learn of the break-in and

where were you?

Mr. McMinoway. I returned from California and there was a period of time after California when speculation, not only my own speculation but speculation around the country, was that McGovern had managed to obtain enough delgates to get the nomination. That was the last primary State, and there was a period of about 2 weeks between the time I came home from California until the next event on the calendar of the year would take place, which was the Democratic Convention in Miami, and I went on a little rest and recreation to my favorite fishing place in Kentucky and I was more or less camped out at the lake. I first learned of the Watergate break-in upon my return home when I picked up the local papers there in Louisville and read the headlines that I—

Mr. Dash. Did that cause you some concern when you read that? Mr. McMinoway. Yes, sir, it caused me a great deal of concern.

Mr. Dash. Why?

Mr. McMinoway. Well, basically, because as I indicated earlier, I had suspicioned that the MO of the operation I was undertaking was at least, if not Republican initiated, it was at least in the same philosophy and strategy of, at least, my Republican beliefs and that it was not geared to help any Democrats but merely to observe their operations. When it was disclosed or when I read the newspapers and started hearing the news that it was disclosed that some of the members of the Watergate people, or the people that had been apprehended inside the Watergate headquarters were affiliated with the Republican Party, it caused me to have suspicions that possibly not only did they an intelligence-gathering operation, but possibly, they had other operations as well.

Mr. Dash. What did you do after you became concerned?

Mr. McMinoway. That particular evening—which was a Sunday evening—I began to call the number that I had previously used to contact Mr. Rainer in Washington.

Mr. Dash. What happened Were you able to contact him?

Mr. McMinoway. No, sir, I was not. The phone had been disconnected. According to the operator, it was disconnected that very morning.

Mr. Dash. Were you later able to contact him?

Mr. McMinoway. I was not able to contact him, but 2 days later, he contacted me. We had a conversation concerning my concern over these suspicions.

Mr. Dash. As a result of those conversations, did you come to the

District of Columbia?

Mr. McMinoway. Yes, sir. I was very reluctant to continue any of the activities that I had, at least until I was sure myself that I could investigate what was going on and find out—as I say, I was not aware of all the details of the Watergate thing. I had been away for some time. He instructed me that if I would come to Washington, he would not—he assured me first, that I had not partaken of any illegal activities, nor was his group partaking of any. He instructed me that if I would come to Washington, he would arrange a meeting with me and his boss so that his boss could, in fact, reaffirm his convictions that this was legal.

Mr. Dash. Did you get such a reassurance? Mr. McMinoway. Yes, sir. I came to Washington and received a call in my hotel anonymously one night. The man identified himself merely as Mr. M, just for the matter of having something, a reference, for me to contact, and he reassured me that the organization I was working with was not involved in any illegal activities and, quite strenuously, passed on to me the fact that they were not, in fact, con-

nected with the people that were apprehended.

Mr. Dash. Mr. McMinoway, I think what was striking to you and, as you say, causing you some concern, was the break-in at the Democratic National Committee headquarters and, I take it, the placing of bugs there. What occurred, and I think this committee has already received evidence of that, was that there was a surreptitious entry into the headquarters and the placing of microphones in telephones. Now, do you see much difference between, say, a secret entry into a headquarters and the placing of microphones to hear information and your own activity of entering a headquarters through a misrepresentation and hearing and actually seeing activity? As a matter of fact, were you not actually more effective than what was done in the Democratic National Committee headquarters? You were a more flexible receiver of information by sound and a much more flexible receiver of information by sight? Were you not, in a sense, a human bug or a human camera infiltrating a Democratic headquarters?

Mr. McMinoway. Your question got rather lengthy, but to answer, as I understand it, the main point of your questioning is, yes. I feel a great deal of difference between what I did and the illegal acts of the people that were caught inside the Democratic headquarters. To me, there is a lot of difference in breaking the law and in breaking confidence. I merely obtained information that was voluntarily given to me. I did not twist anybody's arm, I never broke into any place, I never bugged any phones or used any kind of electronic surveillance at all. The information I obtained was obtained because I was there at the time. It was like the newspapers. Because they are present at the hearings and because they have so far been able to obtain information of prehearing testimony, and so forth, I would not consider them spies and I would not consider them doing anything illegal. That is their job—to report. That was my job; to report on the activities of the

Democratic candidates.

Mr. Dash. I am not suggesting that any of these laws apply to you, but by analogy of the law of theft, there is a law of larceny, which is taking of property, and then the law of obtaining things by false pretenses, in which you do not have to break into any place, but it is the misplacing of confidence and a misrepresentation. Would you think that if we were to consider legislation, that just as in the theft law, where the various State legislatures and the Congress have felt that actually, theft of information or theft of property, is the same whether one picks it up without the knowledge of an individual or whether one gets it by deceit and misrepresentation?

Mr. McMinoway. One point I think needs to be brought out, at least from my standpoint, is that you are putting a lot of emphasis on obtaining this information by misrepresentation. In fact, in 1972, that was not really, in my opinion, the key to my being able to obtain this information. It was not the fact that I misrepresented myself as a Humphrey worker or that I misrepresented myself as a salesman or any other misrepresentation. The reason I got the information was because I was there. The reason I was there is because I was a good pre-

cinct campaign worker.

Mr. Dash. Let us put it this way. If you had gone into the Humphrey headquarters in Philadelphia, the Muskie headquarters in Wisconsin, the Humphrey headquarters in Los Angeles, and truly identified yourself as who you were, do you think you would have been allowed to work in that headquarters?

Mr. McMinoway. I would assume not, but I never used methods of

misrepresentation or lying. They never asked me.

Mr. Dash. You indicated you wanted to be a volunteer for Humphrey. Was that a true statement?

Mr. McMinoway. Yes, sir, I did, in fact, volunteer and I did con-

siderable work.

Mr. Dash. You were following instructions, you had an assignment, you were being paid by somebody else to do that. You were not a volunteer. You were paid at least the amount you have indicated?

Mr. McMinoway. I was paid to do surveillance and intelligence work, but I was a volunteer in that particular headquarters. They were

not paying me. I received no money or compensation.

Mr. Dash. You were paid to be somebody else's volunteer, right?

Mr. McMinoway. Yes, sir.

Mr. Dash. After you were reassured that you weren't doing anything wrong, you did work in the McGovern headquarters in the Dis-

trict of Columbia for a while?

Mr. McMinoway. Yes, sir. I was called to Washington, as I say, primarily for the conversation between the unknown person and myself and the reaffirmation that I would not be involved in any illegal activities. There was a period of about 9 days before the convention started. One of the results of the conversation I had with the gentleman in Washington was that the plans had already been previously made for me to go from California to Miami and as I understand it, the reservations at the hotels were made and the general pattern of the events was already established.

Mr. Dash. And did you go on to the Miami convention?

Mr. McMinoway. Yes, and therefore, I did agree to continue that one last assignment. But when I went to Florida, it was with the stipulation that that would be my last assignment.

Mr. Dash. All right. You did go on to the Miami convention and what position did you obtain in the McGovern camp in the Miami convention?

Mr. McMinoway. I eventually became a member of the security staff

in McGovern headquarters.

Mr. Dash. Very briefly, what did that permit you to do?

How did you get that position, by the way?

Mr. McMinoway. Initially, I followed, as I say, the same procedure. I was in Florida about 5 days before the convention. I used this time to amass information on where different delegations were staying, where different headquarters were, the locations, and so forth. This information I did not receive from Mr. Rainer. I had to dig this infor-

mation out myself.

After I found out the location of the McGovern headquarters in—in Washington, while I was working, I met quite a few people on the administrative staff of the McGovern headquarters and I did work in the Washington McGovern national headquarters. It was just a transition physically from here to Florida and I just took up the same type of activities. By this time I had become a familiar face.

Mr. Dash. Actually, how important a security post did you have?
Mr. McMinoway. I don't know how important you—when you say "important"——

Mr. Dash. Well, where were you stationed? Mr. McMinoway. Throughout the Doral Hotel.

Mr. Dash. Were you also stationed up on the 16th floor, where persons had to appear if they wanted to go up on the 17th floor, where Mr. McGovern had a suite?

Mr. McMinoway. I was on the 16th floor—this is, I believe, a misunderstanding through the press and maybe through some of the earlier conferences that we have had. I was stationed on one occasion on the 16th floor, but primarily, I was stationed on the 17th floor, where McGovern's suite of rooms and the situation room and Mr. Mankiewicz' room and Mr. Hart's room and most of the top-level staff people were stationed.

Mr. Dash. Look at your—I think it is tab 8 [exhibit No. 237], in which apparently you had, at least according to your own statement,

quite a bit of control. You stated:

Once I was on the staff, I had even a better chance to go throughout the building. For three nights, I was a guard on the penthouse floor—

Which I take it is the 17th floor—

that McGovern was staying on. I had complete control over who was allowed on the floor and how long they stayed. The Secret Service men assigned to McGovern cooperated with me and if I said someone could not come on the floor, then they were not allowed on the floor. And I obtained a list of everyone on McGovern's staff and what he did. I got copies of Secret Service clearance list and I had access to all McGovern's convention operations rooms.

Is that correct? That is in your report?

Mr. McMinoway. Yes, sir. That is correct to the extent that I did not have total, complete control of who came on that floor. I could certainly hold up the people. The Secret Service's instructions were they were primarily concerned with the physical safety of the candidate. They worked with us in cooperation with—we had a command post at the staircase entrance to the 17th floor. When someone would present himself at that door, they would identify themselves,

identify the person they wanted to speak to, and we would go through the procedure of contacting that person and see if they would be permitted on the floor. If I told a Secret Service man Mr. McGovern or Mr. whoever on that floor does not want to see this particular individual, the Secret Service people were there ready and willing and able to assist us in removing the people from the stairwell.

Mr. Dash. Also according to your report, you indicated that you had such access that you actually spent part of an evening in Senator McGovern's suite, actually watching TV with him as he was watch-

ing the California delegate vote?

Mr. McMinoway. Yes, sir. By the time of the California challenge vote on Monday evening, I had become at least recognizable even by the Senator himself. I had previous to this had several chats with him in moments of passing in the hall and the different operations rooms and so forth in the building.

Mr. Dash. Actually, you comment toward the bottom of your Flor-

ida report:

It is amazing how easy it would be to be right in the midst of all the operations and planning and yet be an enemy.

Mr. McMinoway. That is in the statement.

Mr. Dash. I take it you considered yourself an enemy, did you not?

Mr. McMinoway. "Enemy" may not be the proper word. I definitely do not agree with the political philosophies of George McGovern.

Mr. Dash. But you were there as an infiltrator and to gather information. Therefore, you were doing political espionage work, were you not?

Mr. McMinoway. I was doing political intelligence gathering.

Mr. Dash. Did you have, by the way, as a result of this—did you receive a McGovern staff button which you wore, "McGovern Staff Convention '72"?

Mr. McMinoway. Yes, sir, there were three types of staff buttons initially designed to designate the different levels of staff importance and at one time or other at the convention, I had all three different buttons. These were given to me by McGovern staff people.

Mr. Dash. You had all three?

Mr. McMinoway. Yes.

Mr. Dash. By the way, the value of these staff buttons was just not the button itself, but they also permitted you to gain access to certain places, did they not?

Mr. McMinoway. Yes, sir, they did.

Mr. Dash. And the more restrictive the button, the higher the button allowed you through places where the Secret Service people would ordinarily stop others. Is that not true?

Mr. McMinoway. Yes, sir; during my entire tenure with the McGovern security force in Florida, I was never challenged in any way

as to access to any particular party.

Mr. Dash. Now, you got this button only because you represented yourself to be a volunteer for Mr. McGovern and were working on his behalf. Is that not true?

Mr. McMinoway. No, sir; I don't really agree with that. I got the button because I was on the security staff. I don't think the misrepresentation is the reason they gave me the button. The reason

they gave me the button was because I was assigned to that particular job. All of the Secret Service people that were assigned to guard George McGovern were either American Party registrants or Republican registrants. There was not a single Democrat on his whole Secret Service force.

Mr. Dash. You wouldn't be a security man unless you had indicated

that you were an active worker for McGovern, is that not true?

Mr. McMinoway. If I had not been participating in the operations, I doubt seriously if they would have given me the button. I know of no one in the Republican headquarters that would have them.

Mr. Dash. Let me just ask you, while you were working in Democrat headquarters at the Miami convention, what, if anything, did you observe or overhear concerning the employment of any women to influence delegates?

Mr. McMinoway. Yes, sir. There were instances that I remember of women being present that were not explicitly staff people assigned to

secretarial or administrative duties in the hotel.

Mr. Dash. Is that all you remember?

Mr. McMinoway. No, sir. There was a situation in the Doral Hotel where there was a hospitality room set up for the delegates to come in and be hospitable and drink and talk and discuss issues, or, you know, just anything they wanted to do. On frequent occasions, I stopped by this particular room primarily to see who was there, and on different occasions, I noticed people that I would classify as prostitutes or people with, at least if not prostitutes, they were at least people with low moral standards.

Mr. Dash. Did you ever overhear any staff member suggest that such prostitutes or people with low moral standards be used for influencing delegate votes?

Mr. McMinoway. No, sir; not in a policymaking type of conversa-

tion, I did not.

Mr. Dash. In any conversation?

Mr. McMinoway. Several people on the staff had talked about, not necessarily the obtaining of any of these types of people, but they did in fact, I am sure, know that these people existed in the building and they never instructed us to remove these people from the building.

Mr. Dash. Did you, in fact, drive a delegate with women in a car,

a McGovern car 8

Mr. McMinoway. Yes, sir; I was instructed by a staff member who I cannot recall specifically to use one of the transportation pool cars to take a delegate from the Doral Hotel to the Playboy Plaza, which is maybe a 15-minute drive up the road.

Mr. Dash. When I refer to a McGovern car, what kind of car was

it? Was this leased to the campaign headquarters?

Mr. McMinoway. Yes, sir; they had a whole fleet of cars that they had rented to provide transportation for delegates to and from, to provide staff in assisting people with transportation and access. As you may recall, the Doral Hotel was directly adjacent to the Fontainebleu Hotel where the national official Democratic headquarters were and the convention was some 5 miles away and it was necessary to have cars to use for transportation from the Doral to the Fontaine-bleu to other delegations' hotels and so forth.

Mr. Dash. Your testimony is not that Senator McGovern was aware of any of this kind of operation?

Mr. McMinoway. No, it is not.

Mr. Dash. The women that were in the car that you drove, are these the kind of women that you were telling us about a little while earlier, who were either prostitutes or women of low morals?

Mr. McMinoway. Definitely.

Mr. Dash. Who else was in the car with them?

Mr. McMinoway. The delegate that I was assigned to drive to the

Playboy Plaza.

Mr. Ďash. Just one final question at this time. In the course of your assignment in Wisconsin, Pennsylvania, California, District of Columbia, and Miami, you did in fact, as you say, overtly misrepresent, allow persons to believe that you were a volunteer working for the particular candidate and did not inform these people that you were a paid intelligence gatherer for somebody else you later believed to be the Republican Party. Is that a true statement?

Mr. McMinoway. Yes, sir, that is fairly accurate.

Mr. Dash. And as a result of your not informing these people of that or actually allowing your true identity not to be known, you were able to obtain valuable information and materials from these various headquarters?

Mr. McMinoway. Not necessarily materials. I never removed ma-

terials or documents---

Mr. Dash. Some of these materials were advance schedules; is that correct?

Mr. McMinoway. Yes, sir; but I never, in the course of the activities, when you refer to materials, in relation to some of the previous testimony given before this committee, I did not remove that type of material with the intent of stealing or countermanding the materials. The materials that I removed were materials that were printed up for distribution and these materials would eventually be distributed to the public.

Oftentimes, I would get them as soon as they were printed up and

they would not be distributed until maybe 2 or 3 days later.

Mr. Dash. You didn't remove the materials. It was information that you read and became knowledgeable about that you were able to get because of your infiltrated position and were able to convey that information to Mr. Stone or Mr. Rainer, is that true?

Mr. McMinoway. Yes, sir, I did obtain important information, or I

felt it was important, that I passed along to Mr. Rainer.

Mr. Dash. And you did obtain such things as all these different types of buttons that you mentioned?

Mr. McMinoway. Yes, sir, I did.

Mr. Dash. I have no further questions at this time.

Senator Ervin. Senator Thompson.

Senator Baker. Wait a minute, Mr. Chairman. He is not Senator Thompson, Mr. Chairman, and I get wary of anybody who is called that who comes from Tennessee.

Senator Ervin. I was inadvertent in thus demoting him and reducing him to a very lowly state. It was an act of inadvertence. I apologize to him and recognize him for what he is, minority counsel. [Laughter.]

Senator Baker. Mr. Chairman, I am placated and he is humiliated.

Mr. Thompson. Anytime you want to make that mistake, Senator, it is perfectly all right with me.

Mr. McMinoway, as I understand it, you didn't know that you were being referred to as "Sedan Chair II"?

Mr. McMinoway. No, sir; I wasn't using any code names per se. These military SIA-type code names—I never used those during the course of my employment.

Mr. Thompson. Did you have any contact with anyone in the Com-

mittee To Re-Elect besides Mr. Stone or Mr. Rainer.

Mr. McMinoway. No, sir; during the operations I did not. The only other contact that was ever made to me was the initial call by Martin Blackwell setting up the meeting with Mr. Rainer and the telephone call in Washington.

Mr. Thompson. Mr. Blackwell, I assume, did not explain to you his true situation with regard to his connection with the Committee

To Re-Elect or any other organization?

Mr. McMinoway. When you refer to "true" I do not know whether it was true or not. He told me he really did not know, you know, the specifics about this group or about the assignments, and to this point it has not been made readily available to me whether Mr. Blackwell was in fact a member of the Committee To Re-Elect.

Mr. Thompson. Did you ever have any contact, either directly or

indirectly, with anyone at the White House?

Mr. McMinoway. No, sir, I did not.

Mr. Thompson. Did you ever have any contact, either directly or indirectly, with anyone in the Republican National Committee?

Mr. McMinoway. No, sir.

Mr. Thompson. When you were working in Wisconsin, California, Pennsylvania, or any other State, did you ever have any contact with any local Republican leaders, to work with them on your project?

Mr. McMinoway. Only the ones that were working, there was quite a bit in Wisconsin especially, they have no party registration-type primary, it is not a straight line primary, and there was a lot of Republicans working for Muskie and a lot of Republicans working for Humphrey and McGovern and all the candidates because

Mr. Thompson. Those were not covert operations?

Mr. McMinoway. No, sir, they were not planned activities.

Mr. THOMPSON. All right. As you went around from campaign to campaign, did you have any overall game plan as to what candidates you were trying to help, what candidates you were trying to hurt, or were you just gathering intelligence?

Mr. McMinoway. I was simply gathering intelligence on all of them.

I was not purposely planning to hurt or help anyone.

Mr. Thompson. Did you ever have any discussion with Mr. Stone or anyone else to the effect that it would be better for the President if a certain candidate won or if a certain candidate lost in a Democratic primary?

Mr. McMinoway. No, sir.

Mr. Thompson. You mentioned several instances of things, of course, some that you did and some other things that you observed, the March 27 instance that you related where the McGovern workers heckled Mr. Muskie, you went into a little more detail in the staff interview, I believe, with regard to that. How effective was that, in your opinion, was it disruptive or what was the situation?

Mr. McMinoway. It was very disruptive, sir. What happened is it was a planned, preplanned speech by Muskie at UWM. I think his planned topic of speech was on the Vietnam war, and the protesters'—the McGovern people at least—game plan in this particular operation as it was explained to me by the McGovern youth was to go to the thing and holler and scream and catcall and shout—in some instances as I mentioned later on—especially obscenities were used but basically, just to shout and heckle and cause as much noise as you could to possibly override the audio part of the Muskie appearance, and it was extremely effective. As I mentioned before, Mr. Muskie was extremely vulnerable to heckling and harassment by the crowds. He did not handle himself well at all.

Mr. Thompson. Was he able to finish his speech on this occasion?

Mr. McMinoway. No, sir—he did finish his speech but it was not the planned finish, I mean, he did not finish his preplanned program.

Mr. Thompson. Did you ever observe in any of the headquarters that you worked, mailing lists that had been obtained from other can-

didacies or other headquarters?

Mr. McMinoway. Yes, sir. It was fairly common practice to be in the McGovern headquarters and find lists of staff people for Humphrey or vice versa. Oftentimes—

Mr. Thompson. What do you mean staff people?

Mr. McMinoway. Well, you know, precinct workers, ward chairmen, and so forth, campaign workers, mailing lists.

Mr. Thompson. Lists of those people that you referred to?

Mr. McMinoway. Right.

Mr. Thompson. All right. How do you know that they were lists of

the other candidates?

Mr. McMinoway. Sometimes you notice in, for instance, Milwaukee in the Muskie headquarters there was a list of 1968 campaign workers for Humphrey and precinct people they were using to call to solicit support for the Muskie organization. In California in Humphrey headquarters, one time there was a list on McGovern stationery of names and addresses and phone numbers that had evidently, in my opinion, been compiled by McGovern people and then were being used by Humphrey people for mailings and for direct mailing and for direct phone calling.

Mr. Thompson. Do you know how the Humphrey people obtained

that list?

Mr. McMinoway. No, sir, I do not know.

Mr. Thompson. All right.

Getting back to the convention, you state here in your notes [exhibit No. 237] that you had complete control over who was allowed on the floor, that is, the penthouse floor. You get copies of Secret Service clearance, had access to all McGovern convention operation rooms, you say:

I was in the room where Frank Mankiewicz slept and Gary Hart's room. I went into the Senator's room several times—

Mr. McMinoway. By invitation only, sir.

Mr. Thompson [continues reading:]

During the course of my security duties I met Pierre Salinger and the wife of Henry Kimmelman and his wife and all the big time McGovern staff. On Monday night I watched television with McGovern while the California vote was taken.

Could you explain in a little more detail how it was that a person who in the beginning walked in off the street could get into a situation where he actually watched the returns with the candidate? Did anyone ever check you out or ask you any questions about who you worked for previously, your political affiliations, your friends, references, any-

thing like that?

Mr. McMinoway. No; really, no one ever asked those specific questions. Part of the operation in Florida was that there were questionnaires that were filled out, that I filled out with my own name, address, et cetera, that the Secret Service used for a security check. I believe the extent of the check was to uncover alien forces or possible hostile forces, because in 1972 one of the major candidates was shot, and there was some concern for the physical safety of the candidate. And as I mentioned before, in talking during my tenure of service on the security staff with the Secret Service people that were there to guard McGovern, I found none of them philosophically alined with his beliefs.

Mr. Thompson. So far as you know, you were never checked out by

the McGovern people themselves?

Mr. McMinoway. I was never challenged at all.

Mr. Thompson. How much challenging would it have taken in order

for your true situation to have been discovered?

Mr. McMinoway. Well, they could have read my name and address and called the Jefferson County, Ky., county clerk's office and checked voter registration and they would have found I was a registered Republican and then I am sure they would have gone—as usual there is a procedure in some of these security check situations—contacted either the local authorities or the local newspaper and found out that I had previously been active in Republican politics.

Mr. Thompson. This was not just the McGovern campaign, either.

No one checked you out in the Humphrey campaign?

Mr. McMinoway. No, sir. Throughout, as I mentioned before, throughout the whole tenure from March until July, I was never challenged and I was never in the position where I had to lie about my true political philosophy.

Mr. Thompson. Let me ask you in a little bit more detail about

those girls that were at the Doral Hotel. [Laughter.]

You mentioned one time that you carried a delegate and two girls to a certain place. Who instructed you, if you recall, to use the McGovern

car for that purpose?

Mr. McMīnoway. It was a staff member but I cannot be specific. This is an instance where I recall the events but do not recall the specifics of the events. I know I was instructed to do it. I did not just voluntarily go out and get the car from the car pool and drive him down there but I do not remember specifically who had instructed me to do it.

Mr. Thompson. On that day when was the first time you had seen

that delegate?

Mr. McMinoway. I was on security duty on the 17th floor. He came to the stairwell entrance and asked to see a member of the staff.

Mr. Thompson. Did he ask you?

Mr. McMinoway. Yes; he asked me, I was-

Mr. Thompson. Who did he ask to see?

Mr. McMinoway. Gary Hart.

Mr. Thompson. Where was Mr. Hart?

Mr. McMinoway. In his room.

Mr. Thompson. Where was his room?

Mr. McMinoway. Two doors down on the right around the corner of the stairwell.

Mr. Thompson. On the 17th floor? Mr. McMinoway. On the 17th floor.

Mr. Thompson. All right. What did you do when he asked you

Mr. McMinoway. Picked up the phone and called Mr. Hart's room and asked him if he wanted to see this particular delegate, he said, "send him on back."

Mr. Thompson. Did you send him on back?

Mr. McMinoway. Yes, sir.

Mr. Thompson. All right. What happened next?

Mr. McMinoway. As I mentioned, someone came out and instructed me to—by this time it was about 11 p.m., and my tenure of duty, assigned duty to specifically that door, my relief man had come to that position and I was still there and they asked me to go down and get the car and wait for the delegate outside.

Mr. Thompson. For that same delegate?

Mr. McMinoway. Yes, sir. Specifically for that delegate.

Mr. Thompson. Did he call him by name?

Mr. McMinoway. He did at that time but I do not recall the name.

I know where he was from.

Mr. Thompson. All right. Let us stop there just for a minute. I am not going to ask you that, if somebody else wants to he can. He is not from Tennessee, I will say that.

Mr. McMinoway. No, sir, it is not from our State. [Laughter.]

Mr. Thompson. Who would have been in position of authority to give you an order like that, to pick up a car and carry anybody anywhere?

Mr. McMinoway. Almost anybody on the administrative staff.

Mr. Thompson. On the administrative staff?

Mr. McMinoway. The policy, the upper echelon level of staff. Decisionmaking people, the Harts, the Mankiewiczes, people of that caliber, Anthony Borash, for instance.

Mr. Thompson. Well, there would be more than that, I assume. You are not saying that either of these men so far as you specifically

remember----

Mr. McMinoway. I am not specifically singling these gentlemen out, sir.

Mr. Thompson. All right. But how many people would there be on

the policymaking staff who would-

Mr. McMinoway. Practically anyone who was in residence on the 17th floor would have been in that capacity, sir.

Mr. Thompson. Was this instruction given to you by someone in

residence on the 17th floor, to the best of your memory?

Mr. McMinoway. It was definitely by someone who had access to that floor, liberal access to that floor.

Mr. Thompson. All right. If it was someone whose job it was to carry coffee around to people who asked you to do that, you would have responded to that?

Mr. McMinoway. No, sir.

Mr. Thompson. All right. You say you were given instructions to get one of the cars that the McGovern people used, did you get the car?

Mr. McMinoway. Yes, sir.

Mr. Thompson. All right. What did you do after you got the car?

Mr. McMinoway. Pulled to the front of the Doral Hotel.

Mr. Thompson. All right. What happened then? Mr. McMinoway. The delegate was standing there.

Mr. Thompson. Was he with someone?

Mr. McMinoway. Yes; he was with two ladies, two women.

Mr. Thompson. Did anything happen after they got into the car to indicate to you that they were not ladies but women? [Laughter.]

Mr. McMinoway. Yes, sir.

Mr. Thompson. I am not going to go any further on that one, either. [Laughter.]

Were all three of them in the back seat of the car?

Mr. McMinoway. Yes, sir, they were.

Mr. Thompson. Where did you take them?

Mr. McMinoway. Playboy Plaza.

Mr. Thompson. Did you ever hear anyone in a policymaking position discuss generally the utilization of women like this?

Mr. McMinoway. No, sir.

Mr. Thompson. Did anyone ever state that a girl ought to be sent somewhere or something to that effect?

Mr. McMinoway. No, sir.

Mr. Thompson. All right. Sir, I have no further questions. Thank you.

Senator Ervin. Let me confess that I admire your dexterity and

versatility.

Now, by deceiving the supporters of Senator Muskie you infiltrated his organization in Wisconsin?

Mr. McMinoway. Muskie, I worked in the Muskie headquarters in

Wisconsin

Senator Ervin. But my question was, by practicing deception as to your identity and purpose you infiltrated the organization of Senator Muskie in Wisconsin, and did everything that you possibly could think of to confuse and disrupt his campaign?

Mr. McMinoway. No, sir, I did not. With Muskie there were no examples of any disruptive activities on my part against Muskie's can-

didacy.

Senator Ervin. What exactly did you do in the Muskie head-quarters?

Mr. McMinoway. Worked as hard as I could to carry out any tasks which they assigned me.

Senator Ervin. Did you do that in good faith?

Mr. McMinoway. Yes, sir, I was at this point, trying my best to be the best volunteer worker they had in the organization.

Senator Ervin. And you were getting paid indirectly from the

Republican Committee To Re-Elect the President for so doing?

Mr. McMinoway. I was getting paid by them to gather the information.

Senator Ervin. By whom?

Mr. McMinoway. By Mr. Rainer.

Senator Ervin. Well, who was he getting money from?

Mr. McMinoway. I don't really know where he was getting it from. There has been testimony before this committee that he was getting it from Mr. Porter.

Senator Ervin. Then you were doublecrossing the Republicans?

Mr. McMinoway. No, sir.

Senator Ervin. In other words, you were taking money from them and working to the best of your ability in behalf of the candidacy of Senator Muskie?

Mr. McMinoway. It was merely a primary campaign, and this was my instructions to work in these headquarters. I was not instructed to

disrupt the headquarters of the campaign.

Senator Ervin. You were instructed by a Republican politician and paid by him to go into the Muskie headquarters and work the best you could for the success of the Muskie campaign, is that what you are telling us?

Mr. McMinoway. That is, yes, sir; that is what they were telling me to do so I would be in position to obtain the information which they

wished me to pass back to them.

Senator Ervin. What did you do with the information you got?

Mr. McMinoway. Passed it along to Mr. Rainer.

Senator Ervin. Who was he working for?

Mr. McMinoway. As I stated before, I didn't know who he was working for.

Senator Ervin. So you were a double agent there?

Mr. McMinoway. No.

Senator Ervin. You heard talk about double agents. You were working in good faith for the Muskie campaign while drawing pay and receiving instructions and delivering information about the Muskie campaign to somebody that you knew was working for the Republican Party.

Mr. McMinoway. I was not a double agent. I was undertaking two

separate activities, one of gathering information and one-

Senator Ervin. Yes.

Mr. McMinoway [continuing]. And one of working in the head-quarters.

Senator Ervin. Well, you were trying to run with the fox and hunt

with the hounds.

Now then, you went to the Humphrey headquarters or rather you went to the Humphrey organizations in Wisconsin, Pennsylvania, and California—California also?

Mr. McMinoway. Philadelphia and California.

Senator Ervin. Yes. Three different States, and you represented to them that you were a strong supporter of Senator Humphrey's candidacy for the Democratic nomination for the Presidency and you would like to work for them for nothing to further that candidacy.

Mr. McMinoway. Senator, I think you are dramatizing a little more than I had to. I merely presented myself as a volunteer and they

were damned glad to get a volunteer.

Senator Ervin. Yes. But you volunteered to work in behalf of his candidacy?

Mr. McMinoway. And I did, Senator.

Senator Ervin. But at the same time you were doing all you could to make confusion more confounded and were taking information you got and turning it over to the man that was actually paying you for

infiltrating his organization.

Mr. McMinoway. I did not do—specifically do things to disrupt with that in mind. My objective was to work within an organization, to gain their confidence and to therefore be able to be in a position where I could personally observe and find out the information that I felt important to the organization and its structure.

Senator Ervin. Well, are you testifying upon your oath that you were attempting in good faith to promote the candidacy of Senator Humphrey for the Democratic nomination for the Office of President.

Mr. McMinoway. I personally was not promoting his candidacy

but I did in fact work for his organization.

Senator Ervin. How did you happen to infiltrate his organization, at whose instance?

Mr. McMinoway. Pardon?

Senator Ervin. At whose instance did you infiltrate the organizations of Senator Humphrey?

Mr. McMinoway. Mr. Rainer.

Senator Ervin. In Wisconsin, Pennsylvania, and California?

Mr. McMinoway. Mr. Rainer.

Senator Ervin. And he paid you for it?

Mr. McMinoway. Yes, sir.

Senator Ervin. And you know that he was not supporting the candidacy of Senator Humphrey?

Mr. McMinoway. No, sir, I don't believe he was.

Senator Ervin. And you were sneaking information out of the offices of the McGovern campaign to your employer?

Mr. McMinoway. No, sir, I wasn't sneaking anything in or out. I physically walked in and out and I never snuck around anywhere.

Senator Ervin. Well, you walked in and out—you walked out, you went in without information, and you came out with information and you gave it to your employer, didn't you?

Mr. McMinoway. Yes, sir.

Senator Ervin. So you were practicing deceit on the supporters of Senator Humphrey.

Mr. McMinoway. I guess it is a matter of semantics, I don't think

it was a matter of deceit.

Senator Ervin. And you were actually working for your employer and pretending to be working in the interests of Senator Humphrey?

Mr. McMinoway. I did work in the interests of Senator Humphrey. Senator Ervin. Do you think you were working in his interests when you were walking out with information about his plans and giving it to his political opponents. Do you actually think that, Mr. McMinoway?

Mr. McMinoway. No, sir, I don't think that it helped him for me to obtain the information but I think my activities during the time

I was gaining this information helped him a great deal.

Senator Ervin. I want to ask you a very simple question: You, whether you call it sneaking or something else, you were actually infiltrating the Humphrey organization for the purpose of acquiring information concerning his activities and for the purpose of giving that information to his political opponents, isn't that so?

Mr. McMinoway. In 1972, Senator—

Senator Ervin. Wait a minute, answer that question, you can answer

it yes or no and then explain.

Mr. McMinoway. No, sir. In 1972, I did not know that the people I worked for were Republicans, Democrats, atheists, Communists, or what-I was merely assigned to gather political information about organizations and structure of campaign activities.

Senator Ervin. Well, you were doing that merely to expand the

intellectual horizons of your employer?

Mr. McMinoway. Would you repeat that question again?

Senator Ervin. I was asking you whether you were infiltrating these organizations of these people seeking the Democratic nomination and taking compensation from some outsiders for so doing merely for the purpose of expanding the intellectual horizons of these outsiders who were paying you to do these things.

Mr. McMinoway. I believe they were very interested in this in-

formation. What they did with it I am not sure.

Senator Ervin. You don't have any idea what their political affiliations were or what their purposes were, do you?

Mr. McMinoway. No, sir, not at that time, I did not. Senator Ervin. Well, when did you discover that?

Mr. McMinoway. This committee helped to enlighten me toward that afterward.

Senator Ervin. Didn't you begin to suspect that there was somebody other than the well-wishers of Senators Humphrey and Mc-Govern and Muskie that you were working for?

Mr. McMinoway. The terminology used was not other than wellwishers. I felt that it was people who were interested in their activities

so that they may possibly strengthen their own political-

Senator Ervin. If you thought they were honestly interested in their activities, why didn't you suggest to them they come down and talk to the people supporting the candidacies in good faith of these persons

Mr. McMinoway. Because probably they would have gotten no

information of the type that I was able to obtain.

Senator Ervin. Well, you had to get it by what you call intelligence.

Mr. McMinoway. Yes, sir.

Senator Ervin. Now, you seem to abhor the use of the words political espionage, will you explain to a simple-minded man like myself the exact difference between political intelligence as practiced by you and political espionage?

Mr. McMinoway. In my opinion intelligence gathering is the obtaining of information, primarily structural information and factual information. Espionage to me is with the explicit intent of destroying or disrupting something or purposely trying to damage something.

Senator Ervin. Well, were you gathering your information for the purpose of assisting and promoting and elevating and furthering the campaigns of Senators Muskie and Humphrey and McGovern?

Mr. McMinoway. No, sir.

Senator Ervin. What were you getting it for?

Mr. McMinoway. For my employers who wished to know the structural organization of the candidates.

Senator Ervin. Well, did you get nothing except the structural organization information, is that the only thing?

Mr. McMinoway. Basically that was the type of information, categorized information I got, personnel files, types of people, schedules, and so forth.

Senator Ervin. Were you engaged merely in getting information about the structural organization of the Humphrey forces in Philadelphia?

Mr. McMinoway. No, sir.

Senator Ervin. When you mixed up the cards relating to the blacks and those relating to union people?

Mr. McMinoway. No, sir.

Senator Ervin. What were you doing, then?

Mr. McMinoway. I was——

Senator Ervin. Why were you doing it? Mr. McMinoway. In reference to the cards?

Senator Ervin. Yes.

Mr. McMinoway. In reference to the cards, it was just an attempt on my part not to volunteer any information or any assistance that I felt would be helping out the situation. This was not my instructions to disrupt Humphrey's candidacy.

Senator Ervin. When you mixed up the cards so that the wrong people would get the wrong messages, what were you doing that for?

Mr. McMinoway. I think you misinterpret the wording of the diary statement when you say—in the diary it merely says rearranging, and so forth. That does not mean——

Senator Ervin. You were not mixing things up, you were just

rearranging?

Mr. McMinoway. Senator, I am not trying to be funny.

Senator Baker. Mr. Chairman, just a minute, I don't want to interrupt your chain of thought but we are getting into a situation where we are having, I think, unseemly and unwarranted audience response, and I think we are getting to the place where I can't understand the full import of the witness' answer. I seldom do this, but I would respectfully request we restore some sort of order to these proceedings.

Senator Ervin. I am going to request the audience not to demonstrate any reaction on their part to anything that occurs here. You are here as guests of the committee and as guests of the Senate, and I ask you to

conduct yourself quietly as such.

Now, you say you promptly put people—this is about your activities in Philadelphia, "I promptly put people in calling and duplicating cards that had been done by the day shift."

Why did you do that?

Mr. McMinoway. To keep them busy.

Senator Ervin. You were just acting on the assumption that an idle brain is a devil's workshop, so you wanted to get their brains all stirred up doing confusing things?

Mr. McMinoway. Do you want me to answer that? Senator Ervin. Yes, I would like to have it answered.

Mr. McMinoway. No, sir, I was not trying to keep the devil from having idle hands to work with; no.

Senator Ervin. Well, you were trying to get him to have some over-

worked hands to confuse things, weren't you?

Mr. McMinoway. No. The particular people who were involved in this organization were the type of people that needed to stay busy, that might keep them out of some other trouble.

Senator Ervin. Oh, yes. In other words, you were engaged in the right useful act of finding what you considered honorable labor for other people to do. Is that what you are telling this committee on your oath?

Mr. McMinoway. I am not trying to get into a philosophical motivation behind whether I told them to do it to confuse them, to keep them busy or saving them from the Lord. I am not an evangelist.

Senator Ervin. I was not impressed with the fact that you were an evangelist but I am glad to have you corroborate my reaction in one respect at least.

You say that when the McGovern forces went down to Florida that

you went along as a secret service man?

Mr. McMinoway. No, sir.

Senator Ervin. What were you doing down there?

Mr. McMinoway. I went along, I had worked in the Washington headquarters for McGovern, and practically, I would estimate that, 99 percent of the whole staff, volunteers and all, went to Florida.

Senator Ervin. Well, you went along, didn't you?

Mr. McMinoway. I didn't go with them but I went to the same place they were going.

Senator Ervin. Well, did you travel from Washington to Miami? Mr. McMinoway. Washington to Louisville and then to Miami.

Senator Ervin. Yes. Didn't you tell this committee when you got to Miami you worked with what you called the secret service for Mc-Govern?

Mr. McMinoway. No, sir; I was on McGovern's personal security organization staff. Secret Service operatives assigned by the U.S. Government were assigned by the President of the United States to guard McGovern's personal body.

Senator Ervin. Is it the staff on which you worked that you said

virtually all of the members of it were supporting Wallace?

Mr. McMinoway. No, sir, not the staff I worked on. The staff of the Secret Service agents supplied by the Government, in their conversations with me, had expressed the philosophy that they did not agree with McGovern and that they were American Party advocates.

Senator Ervin. You said you didn't agree with Senator McGovern's

philosophy.

Mr. McMinoway. I certainly didn't.

Senator Ervin. Why did you pretend to be working for his furtherance?

Mr. McMinoway. Because that was one of the assets of my obtaining this information.

Senator Ervin. Now, you said you have some distinctions that I find difficult to comprehend. You said that using force like burglary to obtain information or by bugging to obtain information were bad, evil.

Mr. McMinoway. Yes, sir; I believe when you break the law. Senator Ervin. But obtaining information by fraud is not?

Mr. McMinoway [conferring with counsel]. My counsel would like you to restate the question, please.

Senator Ervin. I said obtaining information by fraud is a righteous

activity, in your opinion?

Mr. McMinoway. I never tried to use fraud for misrepresentation. Senator Ervin. You mean you didn't use any fraud at all in connection with the 1972 campaign?

Mr. McMinoway. No, sir.

Senator Ervin. Why did you give the wrong name? Why did you

conceal your identity?

Mr. McMinoway [conferring with counsel]. That is, in my opinion, that wasn't fraud. I used two different names because I was working simultaneously in two different headquarters.

Senator Ervin. And so you wanted to defraud two groups of people

thinking you were two different men?

Mr. McMinoway. No, sir; it was not with that purpose. The purpose of the dual name situation arose in Milwaukee when I started receiving phone calls from the Muskie people at my hotel room, therefore, it was necessary to have a name for them to call me when they called the hotel. They couldn't just call and say you know the guy that is working for us, they had to have a name to call and it was a similar situation with the Humphrey people.

Senator Ervin. Well, did you tell the truth when you gave a false

name?

Mr. McMinoway. I wasn't under oath at the time.

Senator Ervin. Well, do you think it is all right to lie when you are not under oath and practice fraud and deception just when you are not under oath?

Mr. McMinoway. No, sir; I don't.

Senator Ervin. You don't think you were practicing fraud when you tried to deceive one of these organizations in believing you were a different man from McMinoway, did you?

Mr. McMinoway. No, sir, I don't think I was defraud—

Senator Ervin. You don't even think that was lying, do you?

Mr. McMinoway. Pardon?

Senator Ervin: You don't even think that was lying when you gave a false name?

Mr. McMinoway. No, sir, that was not in context of falsification of

any---

Senator Ervin. You think when you gave a false name to anyone of these organizations to induce them to believe you were somebody besides McMinoway you were not lying to them?

Mr. McMinoway. No, sir. You are trying to read into my testimony and my statements that I purposely, with the intent of fraud used different names and that is not the case.

Senator Ervin. That was not the question.

Are you stating upon your oath that when you gave one of these organizations the false name to call you by and to phone you by, that you were not attempting to deceive them into believing you were not McMinoway?

Mr. McMinoway. No, sir, I was not trying to deceive them. There was never an attempt on my part made to conceal the fact I was Mc-Minoway, a registered Republican voter in the State of Kentucky.

Senator Ervin. You were a registered Republican voter?

Mr. McMinoway. Yes, sir, at that time.

Senator Ervin. And you voted in the election of 1972?

Mr. McMinoway. I have voted in every election since I was old enough, sir.

Senator Ervin. And you have always voted the Republican candi-

date?

Mr. McMinoway. No, sir, I have not.

Senator Ervin. Whom did you vote for in 1962 for the office of President?

Mr. McMinoway. 1962?

Senator Ervin. 1972.

Mr. McMinoway. I do not believe that is the Senator's right to ask me that. I believe that is my right to conceal that.

Senator Ervin. You were a registered Republican?

Mr. McMinoway. Yes, sir.

Senator Ervin. So you wanted to keep the registrar ignorant, which you have a right to do?

Mr. McMinoway. In Kentucky, sir-

Senator Ervin. I respect the right to a secret ballot. But it is the first time I have ever been told in my life that a man does not practice deception when he misrepresents his identity and misrepresents his political philosophy—at least, impliedly—for the purpose of infiltrating and getting intelligence from people he is opposed to politically.

Mr. McMinoway. Well, you have the prerogative to believe that and to accept the terminology in that manner, as do I have the prerogative to assume that—I mean, we are talking about terminology here,

Senator.

Senator Ervin. I think so.

Mr. McMinoway. I think that we can save a lot of time because you are interpreting the actions that I undertook in 1972 as deception and I am interpreting them as a part of my political operation of intelligence gathering. I have never, I do not think the committee has implied, nor have I admitted nor will I admit nor did I do any illegal activities. Now, we could sit here for the rest of the winter and talk about ethics and politics and we can talk about politics and religion. But these things are not relevant to my particular operation. My particular operation was intelligence gathering. The MO or the modus operandi that I used to gather this information can be argued from both sides.

Senator Ervin. Well, I just have one more question of you. You are swearing upon your oath that you believed that everything you

did as revealed by your diary was righteous conduct?

Mr. Haddad. Senator, if I might object to that, that is a matter of opinion.

Senator Ervin. Well, I am asking his opinion on the matter.

Mr. Haddad. It is not a matter that might be material in this situation as to how he might feel. I think he has expressed quite openly what his operation was and what his feeling of his operation is.

Senator Ervin. Well, he has.

Mr. Haddad. Obviously, you do not agree with that.

Senator Ervin. Oh, I agree. I believe everything he has said about his operations except his conclusions about them.

Mr. Haddad. I think that is a matter for each one to draw for them-

selves, is it not?

Senator Ervin. Sure.

Mr. Hadda. I believe he has amply answered, Senator, in all respect. Senator Ervin. Do you object to his answering the question as to whether he believes that his conduct was altogether righteous?

Mr. Haddad. I think he has answered it and I do not think that

whether it was righteous or not is really material.

Senator Ervin. What did he tell me about that? I did not catch his

Mr. Haddad. He has answered quite a number of times on what he felt his operation amounted to and what his feelings and what his opinions are of what it was. You disagree with him on the terms of whether or not it was espionage or whether it was intelligence gathering.

Senator Ervin. I am going to order him to answer the question.

Mr. Haddad. In that case, I will let him answer it.

Senator Ervin. Do you honestly think that these activities which you have described and which you have described in your diary were righteous activities?

Mr. McMinoway. From my interpretation, yes, sir.

Senator Ervin. That is all.

Senator Baker.

Senator Baker. Mr. Chairman, thank you very much. I have an idea that this is a good point to reiterate what I said vesterday, that we are now in that netherworld of trying to establish subjective considerations and values as distinguished from whether something is legal or illegal. I really very much doubt that many would claim that political practice, if it is political practice, to conduct political intelligence activities against one's opponents or potential opponents an attractive or desirable thing. I am not one of those who believe that anything is fair in love, war, and politics. But I am concerned for how this committee goes about an orderly examination of the political mores or the habits, the patterns of conduct, and activities that have grown up in the American political system. Your use of the word "righteous" and your order to the witness that he answer whether his conduct was righteous or not disturbs me. It disturbs me because, of course, the word "righteous" is not used in the resolution that created this committee. I really do not aspire to be righteous, which has a fairly imperative tone to it. I do hope to be right as often as I can, but that, too, will be imperfect.

What we are mandated to inquire into is to what extent we can recommend legislation in the Congress of the United States relating to illegal, unethical, or undesirable conduct. And once again, I think we are going to have to try to establish the benchmarks by which we judge what is undesirable and maybe then, when we have done that and

finished our undertaking, then we can aspire to be righteous.

I would like to go into this just for a minute more. I do not think there is any doubt that this witness has testified that he was in fact a paid agent, that he was an agent to collect information, that he may or may not, wittingly or unwittingly, have caused injury and harm to the candidacy of a particular candidate. I will violate the precept I established and the discipline I imposed on myself when I said earlier in these hearings that I would not comment on the relevancy or the importance or credibility of any witness by saying I characterize this

sort of conduct as undesirable. Now, whether it is immoral or illegal or unethical or whatnot, has to do rather with suggestive individual values and with the unfortunate pattern of conduct that may or may not have grown up in the American political scene. But I am going to do the best I can to find out what is going on, what has been going on

for a long time.

Yesterday, when we had our witness, he indicated that his previous foray into politics was campus politics. I was in campus politics, I ran and was elected to be president of the student body of the University of Tennessee, which was the only other elective post I have ever held. I may say that some of the shenanigans that go on in campus politics would really wither one's conscience. It really is blatantly bad in many cases. I am concerned for how that example carries forward into our more adult occupations. I do not propose that Senate Resolution 60 be amended to inquire into campus politics, but it is something that I am going to give some more thought to.

But let us start from the premise, Mr. McMinoway, that you are in

fact a paid agent. We have no disagreement on that, I take it?

Mr. McMinoway. No. sir.

Senator Baker. Let us go from that to the proposition that your agentry took you into the campaigns of Senators Muskie, McGovern, and Humphrey, and that your pattern of operations was essentially the same in all three. Is that correct?

Mr. McMinoway. Yes, sir, it was.

Senator Baker. And I observed from your testimony these fundamental things—one, that you had no trouble at all, even without lying about your affiliation, simply by saying nothing, in working your way into every extraordinarily sensitive and important position in those campaigns?

Mr. McMinoway. Yes, sir, that is correct.

Senator Baker. And that while you worked in those campaigns, I suppose for the sake of double agentry or for the sake of the agent relationship, you did in fact do your best to help the particular candidate that you were working with at that moment?

Mr. McMinoway. Yes, sir, I did.

Senator Baker. But your primary and motivating instinct was to perform your original agentry, and that is to gain information to report to your employer, who was involved in some way in the Republican campaign of 1972?

Mr. McMinoway. Yes, sir.

Senator Baker. In the course of that endeavor, you did your job and you did in fact report from time to time. You also observed other conduct by other than Republicans against Democratic aspirants for the nomination to be President of the United States.

Mr. McMinoway. Yes, sir. At that time, I was in a better position

to observe the Democrats than I was the Republicans.

Senator Baker. Do you know whether or not there was anyone comparable to you who was being paid by any of the other Democratic candidates to work against his fellow Democrats in the campaign?
Mr. McMinoway. Yes, sir.

Senator Baker. You do know? Would you give us an example of

Mr. McMinoway. Richard Tuck would be an example of a paid operative in the same capacity which I operated in, with the exception

that I believe he has admitted to purposely partaking in political tricks

Senator Baker. Do you know of any others?

Mr. McMinoway. No major characters.

Senator Baker. All right. Let us examine some of the other examples you have already given us. You say you know of a precinct worker, campaign staff, and other information paraphernalia of a competing candidate appearing in the headquarters of the candidate you were working with at that time. Did I understand you correctly?

Mr. McMinoway. Yes, sir.

Senator Baker. I am a little unclear. Are you telling us that you think that information, say, a Humphrey precinct list showed up, for instance, in Muskie headquarters by some surreptitious or immoral or illegal wav?

Mr. McMinoway. It is my opinion. This is just based on my own personal knowledge, that there was quite a bit of literature and in-

formation passing from headquarters to headquarters.

Senator Baker. Is it your opinion that it was being transferred freely and openly or that it was being transferred surreptitiously and secretly?

Mr. McMinoway. It was definitely not transmitted openly and

above board.

Senator Baker. Do you know whether that was done by volunteers or by paid agents?

Mr. McMinoway. I do not really know, sir.

Senator Baker. But you do know that the end result was that you observed firsthand that structural information or important political information of one candidate showed up in the campaign headquarters of another candidate?

Mr. McMinoway. Yes, sir, it did.

Senator Baker. Let's examine another piece of your testimony. You indicate that on occasion, you know of episodes where the campaign staff of one candidate for the Democratic Presidential nomination—I believe you identified Senator McGovern's effort—planned and executed demonstrations against one of his fellow Democrats, Senator Muskie, and that there was a discussion of some sort about the susceptibility of Senator Muskie to demonstrations of that sort by Mc-Govern supporters?

Mr. McMinoway. Yes, sir, by the supporters, at least.

Senator Baker. That is what I want to reach for. You have given us that piece of information, which is useful to establish the habits, the patterns, the practices, the political mores of the country. But can you go one step further? Can you tell me how high up in the pecking order, what degree of responsibility did such participants have, say, in the McGovern campaign? Were they big fish or little fish?

Mr. McMinoway. I believed some of them to be big fish in their par-

ticular capacities.

Senator Baker. Can you identify them or describe their assignment?

Mr. McMinoway. Well, the youth coordinator for the McGovern national committee was one of the organizers of some of the protests and the heckling.

Senator Baker. What was his name? Mr. McMinoway, Tom Southwick.

Senator Baker. And Mr. Southwick was the national director of the McGovern Youth Campaign?

Mr. McMinoway. That is the way he was identified to me.

Senator Baker. Did you see or hear him participate in plans to dem-

onstrate against Senator Muskie?

Mr. McMinoway. Yes, he conveyed these thoughts to me and he also was helping in the manufacturing of the posters that was mentioned in my diary.

Senator Baker. Do you know how the money was come by to make

those posters or promote that activity against Senator Muskie?

Mr. McMinoway. Not exactly. I mean I can't testify specifically that it came from staff funds. I know on the instance of the poster making at the McGovern headquarters, they were using office paper and glue and scissors—at least using the office supplies that were there at the time.

Senator Baker. It was McGovern equipment, McGovern people in the McGovern headquarters that planned, created the paraphernalia

for, and executed a demonstration against Senator Muskie?

Mr. McMinoway. Yes, sir.

Senator Baker. Do you consider that righteous?

Mr. McMinoway. No, sir, I don't.

Senator Baker. OK, let's stay away from that. That is my quid

pro quo.

Let's move on, then, to some of the other situations. You spoke of the campaign in California, and I am sorry I was called away from the room for a while and I didn't get the whole burden of your testimony in that respect. I am going to move next to the Democratic National Convention in Florida. You have implied some fairly important things, but neither Mr. Dash nor Mr. Thompson pressed you to the point where I could understand what you are talking about.

Now, you were part of the McGovern security force on the 17th floor of his headquarters hotel at the convention of the Democratic

National Convention in 1972. Is that correct?

Mr. McMinoway. That is correct.

Senator Baker. And on one occasion, the one to which you have testified, a delegate from a State asked to see Mr. Gary Hart. What was Mr. Hart's title?

Mr. McMinoway. I believe he was campaign manager.

Senator Baker. To Senator McGovern?

Mr. McMinoway. Yes. It is not clear in my mind exactly what his title was. Frank Mankiewicz and he were the two top policymaking staff.

Senator Baker. And the delegate did come to the 17th floor and was shown Mr. Hart's room?

Mr. McMinoway. Yes, sir, he was.

Senator Baker. Were you present with the delegate when he went to Mr. Hart's room?

Mr. McMinoway. I walked with him to the door.

Senator Baker. Did you hear the conversation between the delegate and Mr. Hart?

Mr. McMinoway. No. I didn't.

Senator Baker. How long was he with Mr. Hart? Mr. McMinoway. Probably 10 or 15 minutes.

Senator Baker. Was anybody else present in the room?

Mr. McMinoway. I didn't go into the room.

Senator Baker. He came back out and left, is that correct?

Mr. McMinoway. I know he left. I was outside and I escorted him

from the premises.

Senator Baker. All right. And someone in authority on the 17th floor of the McGovern hotel headquarters asked you to get a car from the car pool to meet this delegate and to take him to the Playboy Plaza?

Mr. McMinoway. No, sir, they didn't give me the destination. It was common practice at the convention to provide cars for delegates and their family and friends. I was merely instructed to get the car and go downstairs and wait for the delegate.

Senator Baker. Did they give you any other instruction?

Mr. McMinoway. No, sir, the delegate himself gave me the destination.

Senator Baker. And he came out of the hotel and had two people with him?

Mr. McMinoway. When I pulled out, he was standing outside—they have a driveway drivethrough at the hotel.

Senator Baker. Did you know the two girls he had with him?

Mr. McMinoway. No, sir, one of them I had seen before in the hotel. Senator Baker. Were these girls known to you to be prostitutes or did you learn later that they were?

Mr. McMinoway. Not prostitutes, Senator. They exhibited some, what I considered some immoral activities in the car between the Doral

Hotel and the Playboy Plaza.

Senator Baker. Can you tell this committee that there was a link or connection between the immoral activity of those two women and the delegate in the back seat of that car and his visit to Gary Hart?

Mr. McMinoway. Not specifically. In other words, I cannot testify that—I don't know whether—the girls could have possibly been with him when he came, he could have met them coming in or going out. I can't say that he was supplied those two girls by the McGovern staff, no. sir.

Senator Baker. So the broad outlines of what you are telling us is that a delegate from a State at the national convention visited Mr. Hart and left, that you were instructed to provide him transportation, that he came out of the hotel in the company of two women whom you decline to characterize as prostitutes but with which he engaged in immoral activity in the back seat of the car, and that is all you know about it?

Mr. McMinoway. Yes, sir.

Senator Baker. Do you know of other episodes of that type?

Mr. McMinoway. Not of that specific, in that specific a degree when I was present. It never happened in my presence. I do know that there were several women throughout the hotel and there were many, many in Florida that I would classify as prostitutes and women that were making propositions to delegates, nondelegates.

Senator Baker. Do you know of any effort by any candidate at the Democratic National Convention in 1972 to utilize the good offices of

these women in connection with their delegate activities?

Mr. McMinoway. No, sir.

Senator Baker. My final questions are these. As I indicated at the beginning, it will be our ultimate responsibility to try to make recommendations to the Congress, not only on the status of this investigation with respect to the existing law, but also with respect to new and additional laws that might be appropriate to the elective processes and to identify those things that are undesirable or immoral or unethical.

Now, you have been through a unique experience for a young man and I think you have been very forthcoming and frank and candid in your replies. I do not believe that you should be taken to task for outlining the breadth and scope of your undertaking. I disapprove of it, which I said a moment ago. I think that maybe the principal function of this committee will be to establish those things that ought not to happen, even though they may happen. But can you make any recommendations, do you have any ideas or suggestions that you can make to this committee about where we ought to draw the linewhat we ought to make illegal, what we ought to identify as clearly undesirable or unethical political conduct?

Do you have any suggestions for us, Mr. McMinoway? Mr. McMinoway. My major suggestion to the committee and to politicians and the public in general would be that I personally deplore the break-in type activities and the illegal type activities, but I feel personally that political intelligence gathering by the means that I tried to employ are a necessary function at the present time of political campaigns, especially on a national level.

Senator Baker. If you assume that, I disagree with you. Can you recommend how we could stop that? For instance, how would you feel about a statute that made it illegal for the paid agent or informer of another candidate to offer himself for services or volunteer otherwise in the campaign of another National or Federal candidate?

Mr. McMinoway. If it was against the law, then I would feel it

should not be done.

Senator Baker. All right. If that statute were passed, would you have declined to undertake the job you did undertake?

Mr. McMinoway. Yes, sir.

Senator Baker. Do you think the American political system would be better off had there been such a statute at the time you were approached and asked to do that job?

Mr. McMinoway. If it were an effective statute, sir.

Senator Baker. Well, assume that it was an effective statute. Assume that you were asked to do what you in fact did do, and that you knew, or it was brought to your attention that if you did it—that is, if you accepted pay and compensation to gain intelligence and information from potential Democratic opponents, that it would be a violation of Federal statute law and a felony, that is, I think, all you need to assume. You must assume that the law would be enforced.

Mr. McMinoway. I would therefore not have undertaken the opera-

tion, no, sir.

Senator BAKER. All right. Would the American political system be better off or not, had that law been in place and effective at the time

you were approached to take this job?

Mr. McMinoway. I really can't answer that, Senator, with a yes or no answer. In my opinion, some system of coordinated political activity, campaign structural activity would have to be worked out first. I don't

think that it is possible to undertake a Democratic form of Government with free election where one candidate operates totally without the knowledge of the other candidate. I think if the legislation would include some sort of negotiated revelation between the different candidates where the right arm would know what the left arm is doing—in other words, not necessarily specific actions, but I think that it is necessary for one candidate to know the other candidate's primary issues and what he plans to make campaign issues so that he is granted a free and equal response to these issues.

If this type of system could be worked out where that one Senator would know—Senatorial candidate would know what the other Senatorial candidate plans to do strategywise, then possibly a system of this type would work. But as long as the mere legislation would be passed just to make it illegal, the only thing I think that type of legislation would do would create more lawbreakers, because I believe that it is impossible to operate a successful campaign without knowing

what the other man is doing.

Senator Baker. That is really a broader answer than my questions, but I thank you for it. But I think I can rely on your previous answer.

You know, any penal statute has two parts. It has a deterrent quality and it has the punishment factor. I believe your answer already is that had we had such a statute in place and effective at the time you were offered this job, the first part of that statute, the deterrent factor, would have prevented you from taking this job?

Mr. McMînoway. Yes, sir; it would have. Senator Baker. Thank you very much.

Senator Ervin. Senator Inouye.

Senator Inouxe. In response to the question relating to your employer, you said that you weren't certain who you were working for—it could have been a Democrat, Republican, atheist, Communist, or what have you—and that you found out who your employer was as a result of these hearings. Is my recollection correct, sir?

Mr. McMinoway. I found out who the employer was definitely from the hearings. As I mentioned earlier, I had suspicioned that the people that I was working for were alined with the political philosophy,

at least, of Republicanism and my interpretation of that.

Senator INOUYE. You have listed the sums received for your effort as \$5,800.

Mr. McMinoway. \$5,808.10.

Senator Inouxe. Did you list the sums received in your income tax return?

Mr. McMinoway. Yes, sir; I did list them in my income tax.

Senator Inouye. How did you identify the source of this income? Mr. McMinoway. I believe on my income tax form, it states "research work" or "investigative work." I am not sure of the exact terminology. But it is listed separate from my other employment income.

Senator INOUYE. You have testified in interviews with the staff that you met with the chief of the security division of the McGovern

headquarters on Saturday, July 8?

Mr. McMinoway. Yes, sir; I believe that was the initial contact with Mr. Barash\*—is that who you are referring to?

<sup>\*</sup>Subsequent to this hearing, an affidavit was received by Anthony H. Barash too late for publication in this book. It will appear in Book 12.

Senator Inouve. Yes; and then you were immediately hired by him to serve as his deputy?

Mr. McMinoway. Well, I was referred to him by Mr. Tom South-

wick

Senator Inouxe. When did you begin your service as security officer?

Mr. McMinoway. About 5 minutes after the initial handshake

with Mr. Borash.

Senator INOUYE. And you have testified that you were on duty for 3 days as security officer?

Mr. McMinoway. Approximately 3 or 4 days, sir.

Senator Inouge. So that is July 8, 9, and 10?

Mr. McMinoway. And I was also there on the 11th and 12th. The period of time was scattered from July 8 until July 13, when I left Miami, Fla.

Senator Induye. So it was more than 3 days?

Mr. McMinoway. Yes, sir. There were several days that I was assigned to a shift or I assumed a shift of posts and there were other days that I worked there in the hotel, not specifically on the 17th floor. I think the 3-day reference in the notes is to the 3 days I actually served at a specific assigned post, in other words, at a command post.

Senator Inouye. What days were these?

Mr. McMinoway. The Monday of the California vote, Sunday afternoon for awhile, on Tuesday, and I believe Wednesday afternoon that I specifically had those, you know, that particular post to be responsible for.

Senator Inouve. In June of this year, you had an interview, at which time you indicated that Mr. Mankiewicz told you that he was aware of Mr. Eagleton's hospitalization?

Mr. McMinoway. No, sir; I believe you have that incorrect. That particular statement was reported in one of the newspapers in St.

Louis, I believe.

Senator INOUYE. That is not the truth?

Mr. McMinoway. The actual instance of that was that I had overheard a conversation about Mr. Eagleton's health—period. Not any reference to mental health or breakdown or anything, but just health. This same line of questioning was discussed about every potential Vice-Presidential candidate. I am assuming they wanted to make sure the guy was not going to drop dead.

Senator INOUYE. Then this article of June 24, 1973, is not correct? Mr. McMinoway. No, sir; it is not. If you are referring to the St.

Louis Post---

Senator Inouye. Yes.

Mr. McMinoway. Yes, sir; that is misrepresented.

Senator Inouge. Now, getting back to my first question, to which you responded you were not certain who your employers were, is it not a fact that you were first contacted by a friend of yours?

Mr. McMinoway. An acquaintance, an acquaintance that I had

known some years earlier.

Senator INOUYE. As a result of Republican campaigning?

Mr. McMinoway. Yes, sir. I met him while working in a Republican campaign, yes.

Senator INOUYE. Weren't you told that you were hired by a group of conservative Republican businessmen?

Mr. McMinoway. I believe the terminology that I remember, sir, was concerned citizens. The indication possibly was made of businessmen, but actually, my recollection of that is not as clear as some of

the other actual operational matters.

Senator INOUYE. I gather from your background that you are not politically naive. You have been president of the Young Republican organization in college, you took part in a gubernatorial campaign. You have been very active for many years. I find it rather difficult to understand how a young man with such political background would accept employment to do political espionage not knowing just who his employers were.

Mr. McMinoway. As you have mentioned, Senator, I was politically active for a number of years and in a number of different campaigns. I had participated in local and State and National elections quite frequently. The interest in this particular assignment or the drawing factor to this particular assignment to me was the travel around the country and it was something that I had never done. It was a challenge

and I appreciated that challenge.

Senator INOUYE. With your Republican background, you were will-

ing to work for Democratic organizations?

Mr. McMinoway. I have worked for Democratic organizations, Senator.

Senator Inouye. For pay? Mr. McMinoway. Pardon?

Senator INOUYE. For pay, as in this case?

Mr. McMinoway. Not in intelligence gathering, but I have worked for political organizations other than the voluntary work of the 1972 primaries.

Senator Inouge. I have several questions, but the last one for this round, are you aware of chapter 817 of the Florida Criminal Code?

Mr. McMinoway. No, sir.

Senator INOUYE. I will read this to you. It is 17.02, obtaining property by false personation.

Whoever falsely personates or represents another and in such assumed character receives any property intended to be delivered to the party so personated, with intent to convert the same to his own use shall be punished as if he had been convicted of larceny.

You received a button which very few people received during the Democratic Convention, a button that permitted you to full access of the 17th floor, something that permitted you to gather valuable information in an area that was carefully guarded by the Secret Service, this little thing here.

Do you think you violated this section of the Florida code?

Mr. McMinoway. No, sir, I don't. That button was given to Michael McMinoway. It was not given to any misrepresented person. Senator Inouve. You actually believe that you were working for

Mr. McGovern at that time?

Mr. McMinoway. That button is a designation of staff position with the McGovern organization and while I was at the McGovern organization and while I wore that button, I partook of the activities and the obligations and the responsibilities of that position and I did not falsify or do anything except do a good job of that particular activity.

Senator INOUYE. I thank you very much, Mr. Chairman. Senator Ervin. The committee will stand in recess until 2:30.

[Whereupon, at 12:35 p.m., the committee recessed, to reconvene at 2:30 p.m., the same day.

## AFTERNOON SESSION, WEDNESDAY, OCTOBER 10, 1973

Senator Ervin. The committee will come to order.

Before Senator Gurney starts to question the witness, I would like to make an announcement about the resolution the Senate has just passed

at the request of the committee.

As chairman of the committee I have been served with subpense requiring me to appear in the U.S. District Court for the Southern District of New York to testify and produce to the Senate, certain Senate documents in the custody of the committee on October 23.

The committee, all members of the committee, are anxious to cooperate in every possible way with the enforcement of the laws, and at the request of all members of the committee, Senator Baker and I introduced a resolution whereby the Senate gave me permission to testify in that case, and to produce any documents which are relevant to the issues joined in the case in which the subpena is issued. The case involves a so-called Vesco contribution. The resolution authorizes the Select Committee to attempt to determine something not revealed by the subpenas; namely, whether the information sought is relevant to the issues joined in the case in which the sub-penas have been issued, and the resolution adopted by the Senate authorizes the committee to undertake to ascertain that question, settle that question, by consultation with the attorneys in the case or by appropriate motions before the U.S. District Court itself.

The committee is anxious to cooperate in every way with the production of any evidence in its possession which may be relevant to the controversy involved in that case, and I thought it would be proper to

make this announcement.

Senator Gurney.

Senator Gurney. Thank you, Mr. Chairman.

Mr. McMinoway, turning to your diary, on the entry on March 25, you touched on this planned disruption of Muskie's television interview. Would you explain in detail exactly what happened?

Mr. McMinoway. Yes, sir.

As is noted in the diary I personally observed the production of signs and placards and what have you, that were intended for use in a demonstration that was to be held at the TV station in Milwaukee-

Senator Gurney. Were these signs manufactured, produced in the

McGovern headquarters?

Mr. McMinoway. Yes; they were. Senator Gurney. What did they say, what kind of signs were they? Mr. McMinoway. Well, the one that is noted in the diary form is tabbed exhibit 2 [exhibit No. 231], is the quotation "America needs a leader, not a crybaby," and this was, I felt, a derogatory cut at Senator Muskie's emotional outbreak over in New Hampshire.

Senator Gurney How many of these signs were there, do you recall? Mr. McMinoway. Not specifically, Senator, but there were a num-

ber of signs being made.

Senator Gurney. Were there other signs in addition to this particular cry baby one?

Mr. McMinoway. Oh, yes. Each sign carried a different slogan.

Senator Gurney. Do you recall some of the other slogans?

Mr. McMinoway. No, sir, not specifically.

Senator Gurney. Can you give an approximate idea of how many

numbers of signs there were?

Mr. McMinoway. There were approximately 8 to 10 people working on the signs. Each individual was making, in passing—in my passing through, they were all working on different signs.

Senator Gurney. Each one was making several signs?

Mr. McMinoway. Right. Senator Gurney. Go on now.

Mr. McMinoway. As the plan was explained to me by Mr. Southwick, what they had planned to do was to use those signs on Sunday morning over at the radio and TV station headquarters to just protest up and down and hopefully upset Senator Muskie's composure before he went in for the "Meet the Press" conference. I supplied this committee staff a copy of the transcript that I obtained from the press of this particular TV interview and it may be noted in this particular transcript it shows an agitation and a less than composed attitude taken by Senator Muskie during this particular TV appearance.

Senator Gurney. In fact, I recall that television appearance, and my recollection is similar to yours. He did seem somewhat upset, and it is your thought that one of the reasons why he was, was because of

the demonstrations outside?

Mr. McMinoway. Yes, sir. I found this to be at least my personal observation, that during harassment or heckling by the crowds Muskie did become quite upset and shaken.

Senator Gurney. Were there quite a few demonstrators outside?

Could you give an approximate idea of how many?

Mr. McMinoway. Unfortunately that particular morning I overslept and I did not go to the TV station myself. It was normally my practice not to be in the vicinity of such, even though I knew about such things, I tried purposely not to go around those.

Senator Gurney. Would you characterize this as a dirty trick by

McGovern people on Senator Muskie?

Mr. McMinoway. Yes, sir.

Senator Gurney. I noted also in your diary on the witness sheet that you obtained a Muskie schedule and gave it to the Humphrey people in Wisconsin, is that correct?

Mr. McMinoway. Yes, sir.

Senator Gurney. Who did you give it to in the Humphrey head-quarters?

Mr. McMinoway. The press, the man who was handling the advance

press schedule of Humphrey.

Senator Gurney. One of Humphrey's key people?

Mr. McMinoway. Yes. It was—the name I can't recall right off the top of my head but the gentleman's function was to help in scheduling press appearances and scheduling for the Senator.

press appearances and scheduling for the Senator.

Senator Gurney. Did you tell him how you obtained the schedule?

Mr. McMinoway. No, sir. In most instances, the passing of the schedules from one headquarters to another was handled anonymously.

Senator Gurney. But you gave it to him?

Mr. McMinoway. Not personally, sir. I verbally gave it to him but I did not physically hand him the documents. Usually these things were handled over the telephone. I would call and ask for the press secretary for the advance man of that particular city and in just a matter of fact conversation give them what I purported to be the schedule.

Senator Gurney. Did he know who you were?

Mr. McMinoway. No, sir.

Senator Gurney. Anyway, he knew he was getting information from someone out of the Muskie headquarters?

Mr. McMinoway. Yes, sir.

Senator Gurney. Did he object to getting this information?

Mr. McMinoway. No, sir. They were very thankful.

Senator Gurney. So to paraphrase it, he was very grateful that somebody was gathering political intelligence on Humphrey for Muskie—is that a fair way to put it?

Mr. McMinoway. Yes, sir. I believe they were quite willing to re-

ceive the information.

Senator Gurney. Then I noted on page 6 of the witness summary that you did the same thing in reverse.

Mr. McMinoway. What day, Senator?

Senator Gurney. Well, let me see where that is. If I can find it here or perhaps I had better ask you the question: Did you do that in reverse, get Humphrey's schedule for the Muskie people?

Mr. McMinoway. Yes, sir. After I initially gave the information to my contact, oftentimes I would pass it along to the other people.

Senator Gurney. Well, was there any objection on the part of the Muskie people to getting the Humphrey schedule?

Mr. McMinoway. No, sir, there wasn't. The same attitude persisted

in each and every organization that I encountered.

Senator Gurney. What you are saying is any political intelligence that you were able to generate for either Muskie or Humphrey in Wisconsin was very gladly received by both camps—is that right?

Mr. McMinoway. Yes, sir.

Senator Gurney. And they had no objection to political intelligence gathering on the other fellow?

Mr. McMinoway. No, sir; they didn't.

Senator Gurney. Or if we can put it a little more boldly, you may be offended by this term, but they had no objection to political spying, either?

Mr. McMinoway. No, they didn't.

Senator Gurney. So it works for Democrats as well as Republicans?

Mr. McMinoway. Very often.

Senator Gurney. It is a pox on both your houses. It certainly was in the 1972 campaign. I mean it was going on, to your knowledge, in the candidates' camps on the Democrat side?

Mr. McMinoway. Very definitely. Senator Gurney. Let's go to the University of Wisconsin speech that Muskie made that you referred to, and you talked about it before, but again I would like to find out more in detail what happened.

Can you give a more voluminous description of this particular

heckling?

Mr. McMinoway. Yes, sir.

Senator Muskie had planned, and it was announced public—an announcement had been made that he was speaking to the University of Wisconsin to the student body. It was not really a large crowd there but it was an enthusiastic crowd, and at this particular instance I was there because I went out with the Muskie people to the university. I noticed a lot of heckling, a lot of catcalling and this type of—you know, boisterous type demonstration. There were a few signs but I did notice that some of the catcalling and some of the heckling was coming from people that I recognized from the McGovern youth

Senator Gurney. So in this instance, again of your own personal knowledge, you know that at least some of the heckling and disruption was done by McGovern people because you had seen them in the Mc-Govern headquarters?

Mr. McMinoway. Yes, sir.

Senator Gurney. Can you give—were there obscenities used by these

Mr. McMinoway. Not to a large extent in Wisconsin, but as we progressed through the campaign to California, the attacks became, as the field of candidates narrowed down, the attacks became more personal and more obscene, in some cases.

Senator Gurney. Well, what kind of heckling occurred at this

Wisconsin rally?

Mr. McMinoway. Catcalling, whistling, screaming, hollering, chanted clapping and singing. Any kind of boisterous noise that would disrupt communications over the PA system and make hearing the Senator very, very difficult.

Senator Gurney. Was Senator Muskie able to complete his speech? Mr. McMinoway. No, sir. He did complete speaking there but I am—at the time I was advised of what he was planning on talking about but he didn't cover completely the topics and the area that he had originally planned to cover.

Senator Gurney. In other words, the heckling was so serious or so boisterous or it annoyed him so much that he cut short his speech and did not cover the points that he intended to; is that a fair thing to say?

Mr. McMinoway. In my opinion, he did cut the speech and he was

obviously very, very upset.
Senator Gurney. Would you characterize this, at least insofar as the people you identified as McGovern people, as being a dirty trick played by the McGovern people on Senator Muskie?

Mr. McMinoway. I feel that everyone has a right to their own opinion, but to express your opinion at the expense of someone else, it

is definitely not desirable, to say the least.

Senator Gurney. Let us go to the Humphrey fundraising dinner that you talked about that occurred at the Beverly Hilton Hotel in California. I understand that there, too, there was picketing and

harassment. Could you describe that in more detail?

Mr. McMinoway. Yes, sir. This was one of the extravaganzas of the California campaign from the aspect of one of Senator Humphrey's fundraising drives. I believe it was a \$100-a-plate sitdown dinner where the Senator was to speak. It was rather a formal affair. The drive centered upon getting large contributors there and a lot of personalities and known faces. The McGovern youth people who worked in the Santa Monica area—who I was familiar with at least from the stand-point of recognition sightwise and from knowing around headquarters—had gotten together a group of people primarily from around a college campus area, UCLA, and so forth. They proceeded over to the Beverly Hilton Hotel approximately an hour and a half before the scheduled start of this dinner.

In many instances, the McGovern people would caravan to a rally or to a demonstration in as few number of vehicles as they could; you know, all of them would pile in one car, maybe 8 or 10 people, and drive, to save expenses and so forth. But I remember specifically on this evening, they took as many different cars as they could so as to take up as many parking spaces close to the hotel, really to necessitate the guests at the banquet having to walk at least some distance, where they would have a chance to observe the signs and the protesters.

Senator Gurney. What kind of signs were they carrying?

Mr. McMinoway. The same type, sir, anti-Humphrey, anti—especially they were not pro-McGovern signs, but they were not pro-Humphrey signs. They were some of the concern-type signs, some of the statements—statements taken out of context and used from the standpoint, for embarrassment to Senator Humphrey.

Senator Gurney. Do you recall how many were engaged in this

heckling?

Mr. McMinoway. I recognized several faces. There were several people. I would say there were upward of 30 people involved in the total demonstration; but I did recognize, myself, at least 4 or 5, probably, people that I knew that were actively working in the McGovern campaign.

Senator Gurney. What about verbal harassment? Did they use

that '

Mr. McMinoway. As I mentioned earlier, the verbal attack and heckling had become more personal and there was a lot of—not hollering and screaming, because there were policemen in the vicinity and eventually, in my opinion, that is what finally broke up the demonstration, not police intervention, but the fact that the police were there and there was no desire for confrontation with the law authorities.

Senator Gurney. You mentioned, too, the Humphrey press conference. As I understand it, he was going to a nursing home and he would be followed by cameras that would film this, indicating his concern about people, elderly people who had to spend their time in nursing homes. Was that the idea?

Mr. McMinoway. As I interpreted it, Senator, the idea was to make an appearance and thereby gain some free publicity. The people that accompanied the Senator on many occasions, each candidate had a corps of pressmen favorable to or at least seemingly in the favor of the candidate and they would grant the candidates a little extra special treatment and sometimes report the news from that perspective.

Senator Gurney. Now, describe that harassment that occurred on

this occasion.

Mr. McMinoway. Well, just as the Senator was entering—it was a suburban nursing home in Los Angeles. Again, I was not present for the tour. I did drive in one of the cars over to the nursing home area and I observed, just as the Senator and all the cameramen were preparing to enter the home, a little spontaneous-type demonstration started. All of a sudden, from nowhere, there came several protesters carrying signs and heckling. That is when they started the "Hubert really doesn't care" type chant, you know, and the put-on type. Senator Gurney. Did they go into the nursing home?

Mr. McMinoway. No, the demonstrators did not.

Senator Gurney. You mentioned this business of the women in Miami, and I do not particularly want to go into that in detail, but there are one or two things I did want to ask you about it. You mentioned one of the delegates got in the car that you were driving to go from the Doral Hotel to the Playboy Plaza Hotel, that he was joined by two women, and I think I recall you saying that you recognized one of them. Is that correct?

Mr. McMinoway. I recognized her to the point that I had seen her in

the hotel previous to this occasion.

Senator Gurney. My question is, where did you see her in the hotel,

do vou recall?

Mr. McMinoway. As the hotel is laid out, when you come into the front entrance of the Doral, you come directly into the lobby. There is a large reception-type room to the right and the stairs go up to the mezzanine floor. The mezzanine floor was the gathering point for delegates, their wives, friends, curious spectators. It was probably the most frequent access area to the hotel.

Senator Gurney. And you had seen her there before ?

Mr. McMinoway. Yes, sir.

Senator Gurney. Well, what was her job there? What was she supposed to be doing? What did you think her mission was?

Mr. McMinoway [conferring with counsel].

Senator Talmadge [presiding]. Senator Gurney, have you concluded your interrogation?

Senator Gurney. No, the witness is conferring with counsel on the

answer to my question.

Mr. McMinoway. Prior to that occasion, I had noticed her in the hotel once or twice when I was eating lunch and several times in the mezzanine area. I did not draw any conclusions as to what her specific mission there was.

Senator Gurney. You mentioned the hospitality room in the Doral Hotel. Could you explain that more fully? What was the layout? Who

was there? What were they doing?

Mr. McMinoway. Senator, it has been my experience not only at political conventions but social and business and other conventions, that there is always a special place in what we call the hospitality room, which consists of a room where people get together and congregate, talk, they drink, sometimes they are singing and dancing. Basically, the one in the Doral Hotel was used as a meeting place where delegates could get together and socialize with other delegates, political figures could get together and socialize with other politicians, and so forth.

Senator Gurney. Well, I think you have mentioned, and correct me if I don't state your contention correctly, that in this hospitality room there were always, or usually, women that I think you characterized as of low moral character. Is that correct?

Mr. McMinoway. Yes, sir.

Senator Gurney. Well, how many were there?

Mr. McMinoway. The number fluctuated, Senator, as did the number of people in the room. Sometimes there would not be any people there; other times, the room would be crowded.

Senator Gurney. Were these girls the ones that you saw there

regularly?

Mr. McMinoway. Yes, sir. I traveled quite extensively between the Doral Hotel and the Fontainebleu Hotel. In each different hotel, there would be a certain crowd that would hang out in that particular hotel. You could almost stereotype the different type crowds that were at the Doral, that were at the Fontainebleu, at the Playboy Plaza, and so forth.

Senator Gurney. Well, what was the common knowledge as to why these girls were there—to serve coffee or cokes, or what?

Mr. McMinoway. I thought they were prostitutes.

Senator Gurney. And that was the general understanding in the area,?

Mr. McMinoway. I can't speak for anyone else. In my opinion, the

girls were prostitutes.

Senator Gurney. The reason why I am interested in this is not to drive this particular point into the ground, but a great deal was made earlier in these hearings about the Liddy plan, when first presented to Mr. Mitchell and Mr. Magruder and Mr. Dean. The Liddy plan contained a proposal to use call girls at the Democratic Convention to subvert the Democrats. It occurs to me, though that particular part of the plan was canceled, not used, that apparently, at least at the McGovern headquarters, at least in your understanding, the Democrats were doing it. I think it is pertinent to the inquiry.

There has been some indication in the investigations that we have conducted here that McGovern headquarters in California were used by people to organize a heckling of one of President Nixon's appear-

ances in California. Do you have any knowledge of that?

Mr. McMinoway. Not of that particular instance. At the time I was operating with the McGovern and Humphrey people in California, the basic concern there was the Democratic Presidential primaries and not the general election in November.

Senator Gurney. Did you ever participate in any of this heckling or demonstrating or radical disruption that you have testified to here?

Mr. McMinoway. No, sir, I didn't.

Senator Gurney. Do you have any opinion as to whether this particular activity was more disruptive to the political system of our

country than your intelligence gathering?

Mr. McMinoway. I personally feel that, as I mentioned earlier, when you deprive someone of their right to speak, either by heckling them down or demonstrating and preventing them from even making the appearance, you are violating their rights. But I also believe

that you have a right to express your opinion and everyone should

be given equal opportunity to express that opinion.

Senator Gurney. Just one final question, because my time is up. When you were performing the security duties in the McGovern head-quarters in Miami, did you at any time prevent anybody from seeing Senator McGovern?

Mr. McMinoway. If you mean without authority from the Senator

to do that, no, sir. I never obstructed his visitation.

Senator Gurney. I mean on your own? Mr. McMinoway. No, sir, I did not.

Senator Gurney. Thank you.

That is all, Mr. Chairman.

Senator Talmadge [presiding]. The Chair yields at this time to Senator Montoya.

Senator Montoya. Thank you, Senator Talmadge.

Mr. McMinoway, apparently from what you have related to this committee, you had quite a bit of training for the job that you were doing. Now, where did you receive this training?

Mr. McMinoway. If you are talking about political experience or

intelligence gathering?

Senator Montoya. Both.

Mr. McMinoway. Political experience I learned foot in hand, by starting when I was 8 years old, working at all different types of tasks and gradually grasping a larger and larger knowledge of the political operations of the American democratic system as I got older.

Senator Montoya. How old are you now?

Mr. McMinoway. I am 27 years old.

Senator Montoya. Where did you learn to infiltrate and gather intelligence in the manner that you did?

Mr. McMinoway. By reading and talking with people who knew

Bobby Kennedy.

Senator Montoya. And did you have any conferences with anybody before you started out on your job?

Mr. McMinoway. In relation to how to do this?

Senator Montoya. Yes. Mr. McMinoway. No. sir.

Senator Montoya. What transpired during your meeting with Mr. Rainer when you were hired? Were there any specific instruc-

tions given to you?

Mr. McMinoway. Yes, sir. The instructions were that I was to travel through the Democratic primary States gathering information pertaining to personnel and organizational structure of the Democratic candidates individual campaign organizations.

Senator Montoya. Did you ask him for any credentials as to what

he represented?

Mr. McMinoway. No, sir. The question of credentials never came

up at the meeting.

Senator Montoya. Was it not unusual, in view of your political experience, that a man went to Louisville, Kv., and asked you to gather information on primary Presidential candidates and did not represent himself to be affiliated with any political party or any political organization?

Mr. McMinoway. No, sir. I have personal knowledge of this type of activity taking place at least statewide in my own State for non-political motivation.

Senator Montoya. Oh, like, for instance, what?

Mr. McMinoway. Many times newspaper reporters will volunteer and work in individual campaigns as volunteers to obtain information of the making of the President-type stories, so that later on, after the election, they can compile information on the particular campaign structures and organizations.

Senator Montoya. Do you mean to tell me that newspaper re-

porters infiltrate, too?

Mr. McMinoway. I know of one instance personally where newspaper people possibly—you might not say infiltrate, but they worked within a campaign. I think this is a fairly widespread practice of newspaper people and press people following campaigns, not just to report the news, but for writings and documents that they plan to publish after the elections.

Senator Montoya. Now, you didn't buy Mr. Stone's story or Black-well's that they were interested in behalf of some conservative business

people. You didn't buy that, did you?

Mr. McMinoway. If you mean did I question that, I questioned it only in the sense of what type of people they were and what type of activities would transpire if I did take the job. I didn't question each individual's character or ask him anything about the individuals themselves.

Senator Montoya. Well, you stated in your testimony to the staff that Mr. Jason Rainer contacted you and that he explained that he represented some conservative businessman and that he would ask, that he was asking you to go to different States during the primaries and find out about the personnel.

Now, you didn't buy that, did you?

Mr. McMinoway. I had no reason to doubt it, Senator.

Senator Montoya. When did it dawn upon you that you were on a political mission for the Republican Party?

Mr. McMinoway. I had suspected it as early as June of 1972.

Senator Montoya. And who did you think you were gathering information for, such as you gathered, and who did you think you were performing these tasks for? You didn't think that you were doing these things in behalf of these so-called conservative businessmen, did you?

Mr. McMinoway. Senator, at the time, I had no desire to even know who the people were as long as I, myself, felt that the activities were legal and were not destructive to the American system. I felt that I was working within the system in a normal political function in carrying out my operation at the time.

Now, I can see where possibly, there would be some question as to why someone wouldn't challenge that thing. But in 1972, myself nor the American people had any reason to suspect these types of activities.

Senator Montoya. Did you consider them unethical?

Mr. McMinoway. No, sir.

Senator Montoya. Do you today?

Mr. McMinoway. No. sir.

Senator Montoya. Did you consider them improper?

Mr. McMinoway. No, sir.

Senator Montoya. Do you today?

Mr. McMinoway. No, sir.

Senator Montoya. Now, you mentioned in your diary on page 5, tab 5 [exhibit No. 234]:

I infiltrated Humphrey's headquarters by complimenting the elderly office manager, Gertrude Adcovitz, into believing that I was a dedicated Humphrey supporter.

Now, is that a proper thing to do, to try to compliment a person by deceit?

Mr. McMinoway. I wasn't trying to deceive the lady. She was a very

nice lady.

Senator Montoya. You weren't a dedicated Humphrey supporter, were you?

Mr. McMinoway. I was working in that capacity.

Senator Montoya. But you were not a dedicated Humphrey sup-

porter, were you?

Mr. McMinoway. That is again a question of terminology. Mrs. Adcovitz herself stated in the press that I did everything she asked and everything they thought I could do to help them.

Senator Montoya. Do you consider yourself a dedicated Humphrey

supporter?

Mr. McMinoway. No; I am not a dedicated Humphrey supporter. Senator Montoya. Then you were deceiving her?

Mr. McMinoway, No.

Senator Montoya. I think it is patently clear that you were.

Now, on April 22, you called people and urged support for Jackson. This was in Pennsylvania. Now, if you were in fact working for Senator Humphrey doing your work at the Humphrey headquarters as you have indicated, and you have indicated that you were a dedicated Humphrey supporter, why were you calling people and urging

them to support Senator Jackson?

Mr. McMinoway. The specific instructions for that evening's communique were that they took all the people that were there in the headquarters and they put them on the phones calling people as a desperate, last-minute effort to try to swing some more support to Humphrey. My only instructions were to get on the telephone and call people and urge them to get out to vote. I wasn't specifically instructed to solicit votes for Humphrey or anything.

At this particular time, in looking back and thinking back on it, that particular evening, I might have—Jackson might have said some-

thing I liked and I just called for him.

Senator Montoya. Well, did he? Mr. McMinoway. Did I like him?

Senator Montoya. Did he do something that turned you over?

Mr. McMinoway. He didn't convert me to Jacksonism, if that is what you are asking.

Senator Montoya. Well, what happened? What triggered your sudden change of loyalty as a dedicated Humphrey supporter to Senator Jackson?

Mr. McMinoway. I believe I testified to your earlier question that I was not a dedicated Humphrey supporter. You were assuming that.

Senator Montoya. Were you a Humphrey supporter?

Mr. McMinoway. No, sir, not in 1972.

Senator Montoya. Why did you tell the office manager that you were a dedicated Humphrey supporter?

Mr. McMinoway. I merely told her I wanted to volunteer to work.

She assumed—

Senator Montoya. These are your words.

Mr. McMinoway. But the conclusions you are drawing here—I merely stated that she was convinced I was. I didn't say I had to do

anything to convince her of that other than work in the campaign. Senator Montoya. Let's go to tab 8 [exhibit No. 237], where you state in your summary, "I saw McGovern's youth coordinator"—this was at the Democratic National Convention—

Tom Southwick and he mentioned to me that McGovern was organizing his own security staff. This was the highlight of the past four months. I obtained the name of McGovern's top security man from Tom. I went to the Doral Hotel headquarters and asked for Tony Borash, head security man. I introduced myself and told Tony that Tom had sent me over for security reasons to assist him in the office security.

Now, did Mr. Southwick actually send you over to assist Mr. Borash, or did you misrepresent yourself to Mr. Borash as having

been sent by Mr. Southwick to assist him?

Mr. McMinoway. Mr. Southwick made the suggestion—this was the first time I knew about the security staff, and Mr. Southwick in addition to this, as I understand it now, later even called Mr. Borash and told him that I would be an excellent choice for this security position. I did not go over and ask for the security job.

Senator Montoya. Now, on tab 8 [exhibit No. 237], again you stated:

It is amazing how easy it would be to be right in the midst of all the operations and planning and yet be an enemy. Now, the work I did while in Miami is probably the best I did while I was on this assignment. The characters I had played in the last four months are as varied as the locations I was in. Maybe some day soon I will take the time to write about all the people I met and the things they wittingly helped me to obtain information that hurt their individual causes.

Now, do you think that this was ethical and proper?

Mr. McMinoway. Yes, sir, I believe my activities at that time were ethical. If you would like for me to explain that statement, I would be glad to do it.

Senator Montoya. Well, go ahead and please explain how playing different varied roles for different candidates and dividing loyalties

among different candidates is proper and ethical.

Mr. McMinoway. To start with, Senator, the playing of different roles refers to not of deceit or deception but that the different organization staff members were stereotyped so that in the McGovern organization most volunteer workers were young, hippie-type, protesting-type of students. In the Humphrey camp the volunteer workers were more of the college intellectual, social fraternity-type group, and this is what is meant and implied in this particular phrase where it talks about playing different characters and different roles, because it was necessary when I was with Humphrey to be a little more polite, a little more discrete, and a little bit more well-mannered.

When you were in the McGovern headquarters, you could do any-

thing you pleased and fit right in.

Senator Montoya. You were set on hurting their causes, were you not?

Mr. McMinoway. No, sir. By hurting the cause, if you would refer back to the complete context of the diary, the complete assignment and all, by hurting their cause, it was not—this statement does not say there was motivation to go out and hurt their cause, but what, in fact, happened was by me obtaining this information, this summary was written this summer, 1973, after the fact, and in fact, from the revelations of the committee after I had learned where the information I obtained was going, I believe politically it hurt their cause, but not from the standpoint of deception or any kind of espionage or any of those activities.

Senator Montoya. That is very unusual rationalization, I might say.

My time is up. Thank you.

Senator Talmadge. Senator Weicker.

Senator Weicker. Mr. McMinoway, I just have a few very brief questions. Why do you think you were not challenged when you made application to work for these various campaigns? In the discussion with the minority counsel earlier today, specifically, I believe it was when you attached yourself to the McGovern campaign, the question was asked as to what it would take to check you out and you indicated a phone call and back to your hometown, et cetera, why do you

think that this did not happen?

Mr. McMinoway. Well, if you take each individual case, the position that I was placed in or that I placed myself in with the different organizations, for instance, in Philadelphia. In Philadelphia, most of the youth volunteers, as was the case in California, went to the McGovern headquarters. Humphrey was very, very desperate for volunteer workers, and I believe that, as I stated earlier, they were just simply appreciative of the fact that I was willing to come over there and stuff envelopes and mail this out and take charge of a group of people that were not carrying out their job successfully.

Senator Weicker. Well, do you think it might be that here in this country, whether your campaign happens to be a Humphrey campaign or a McGovern campaign or a Nixon campaign or whatever, that

the basic assumption is that those who volunteer are not spies?

Mr. McMinoway. Yes, sir, I believe that is a general concept in the

country.

Senator Weicker. In other words, apparently the basic assumption is somewhat at odd to your own personal opinion, and I might add the personal opinion of others who have appeared before you that these things go on all the time, because if they had been going on all the time, they would be checked out.

Mr. McMinoway. I believe that is correct.

Senator Weicker. But, of course, if, all of a sudden now, it is thrown out on the table to this committee and also to the American people that it goes on all the time, then we are going to start checking each other out pretty closely, I would say.

Mr. McMinoway. I would hope so, Senator.

Senator Weicker. Well, I would hope that we never get to that point where in our political campaigns and in our dealings with each other as fellow citizens that we have to check each other out.

Now, again, in earlier testimony before this committee, you indicated, I think it was in response to Senator Baker's question as to, you know, what should be done, has it ever occurred to you that the public record is a perfectly adequate place to check candidates out as to their views on various issues, as to their past history, as to what they propose for the future. Do you not think that is quite adequate, the public record? What, in addition to the public record, should be known by the voters?

Mr. McMinoway. Oftentimes, Senator, the public record is not an accurate, unbiased report on the actual events. I know myself, I have been victim to public press in the sense that when my name was first mentioned, many of the stories and especially the rumors, leaks or whatever you want to call them that were circulating throughout the press, have been proven by testimony before this committee and before other legal authorities that they were inaccurate. In my opinion, it is neces-

sary that these things be checked out.

Senator Weicker. Well, do you not think that a free press guarantees the fact that the facts are going to be checked out and that innocent men are not going to be condemned out of hand by the American people?

Mr. McMinoway. Senator, I do not mean to imply that——

Senator Weicker. Are you not having your opportunity now to express exactly your thoughts and what you did not do before the people of this country?

Mr. McMinoway. That is what I am doing, Senator, but I did not

mean to imply——

Senator Weicker That is right.

Mr. McMinoway [continuing]. By my earlier remark that freedom of the press should be restricted or anything or curtailed in any manner. I was just merely stating that all the time, all the public records are not always correct, and you need to check into it a little further than just reading how a Senator voted on the floor of the Senate on a particular bill. Sometimes there is motivation and reasoning behind that. That is more important than the actual vote itself.

Senator Weicker. Do you think the Congressional Record is a

philosophically-inspired document—one way or the other?

Mr. McMinoway. No, sir. But I do not believe the American public has the time or the interest, which is the pity of the whole thing, to read the Congressionl Record.

Senator Weicker. Do you think that a man's voting record, political record, are adequately available to the American people regardless of

the interpretation—but the actual votes themselves?

Mr. McMinoway. I think it takes—

Senator WEICKER. I would like to know exactly what it is that is outside the public record that should be known as to various candidates. You tell me.

Mr. McMinoway. I think the important thing is the motivation. As I mentioned earlier, I know of cases where actions are taken. I sometimes have been a victim of circumstances where I had to do certain things that I would not really like to do, and I am sure certain Senators and Congressmen vote on appropriations or on bills not because the yes or no vote is the total aspect. I think it would be

a shame for this country if people voted simply yes or no or an-

swered questions simply yes or no.
Senator Weicker. Do you think that candidates for President of the United States answer a yes or no during the course of a political campaign?

Mr. McMinoway. No, sir. I am not implying that.

Senator Weicker. Do you think they probably get subjected to the most searing questions, and, I might add, in the most philosophical sense from the left, the right, and the center. Do you think this occurs during the course of a campaign?

Mr. McMinoway. Yes, sir, but I don't feel that it is adequate. I don't think that press conference answers to questions are adequate

for the people.

Senator Weicker. Well, of course, a press conference doesn't consist of the entire questioning during the course of a campaign, does it? The candidates are subjected to questions from citizens, are they

Mr. McMinoway. Yes, sir; I think that is what one aspect that television has played a vital role in American politics in the last 10 years because the candidates can't say something in New York and

then take an opposite view in California.

Senator Weicker. I suppose you have told me differently so you and I are going to get into a dispute—but I find it difficult to believe, because I think you have been very forthcoming with the committee and I don't intend to get into a philosophical debate with you, but what I can't allow to pass is the fact that apparently spying and the gathering of political intelligence during the course of a campaign is something that you feel—you thought—not only thought was correct during the course of this campaign, but is a proper course of action for further campaigns, is that correct?

Mr. McMinoway. As the American political system stands now, I believe it is necessary function. I think Senator a

mentioned-

Senator Weicker. But the way that system stands now, that system didn't check you out. That system obviously was based on the assumption you were not a spy just like the system of this country operates on the basis that a man is innocent until proven guilty, and now what you are advocating to this committee and to all of us is, that yes, we had best check each other out and we had best determine whether a man is innocent. It would be a rather difficult country to live in, don't you think?

Mr. McMinoway. I think you are reading into the statement when I said: Yes; I believe that people should be checked out. I did not say that that was the best system. I said as it stands now, if I were a candidate for public office and I had staff volunteers, before I would put

them in charge of my security, I would check them out.

Senator Weicker. Well, I think quite frankly it is a far easier and less involved process to get rid of the type of activities which you are talking about than to enter into a mass scale checking out of each other in the course of our activities, because what you did obviously was the aberration, not the rule; otherwise when you went into Mr. McGovern's headquarters and the other candidates' headquarters they would check you out from top to bottom. But their style happens to be, I think, probably that certain idealism in the truth of candidates and their workers alike, that those who came to volunteer their services, do because of their belief in the man and what he stands for and not because they want to go ahead and gather political intelligence. I have no further questions, Mr. Chairman.

Senator Ervin [presiding]. Senator Talmadge.

Senator Talmadge. Mr. McMinoway, I think both the staff and the Senators have explored your activity in detail so I will attempt to be extremely brief. Had you had previous experience in infiltrating any campaigns prior to the Presidential election of 1972?

Mr. McMinoway. No, sir. Not of the same nature. Senator Talmadge. That was your first endeavor?

Mr. McMinoway. Yes, sir.

Senator Talmadge. If someone attempted to get you to infiltrate another political campaign today, would you do so?

Mr. McMinoway. No. sir.

Senator Talmadge. Would you think that in the future all political candidates and political parties might well beware of volunteers?

Mr. McMinoway. No, sir, I don't think they need be paranoia on

volunteer workers.

Senator Talmadge. You would suggest they check their credentials

rather closely though, would you not?

Mr. McMinoway. I would suggest that people who are put in positions of high responsibility and duty be checked out or be confirmed in their convictions.

Senator Talmadge. Thank you, sir. I have no further questions, Mr.

Chairman.

Senator Ervin. Senator Inouye. Senator Inouye. No questions.

Senator Ervin. I have none except to say that Aesop had a fable sometime about sheep wearing wolf's clothing or vice versa. Thank you. That is all.

Counsel will call the next witness. Mr. Dash. Mr. Fred Taugher.

Senator Ervin. Will you raise your right hand. Do you swear that the evidence which you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Taugher. I do.

Senator Ervin. Do you have a lawyer?

## TESTIMONY OF FREDERICK JOSEPH TAUGHER

Mr. Taugher. No, sir.

Senator Ervin. I take it you don't desire a lawyer.

Mr. TAUGHER. That is correct.

Mr. Dash. Mr. Chairman, Mr. James Hamilton, assistant chief counsel, will question this witness.

Mr. HAMILTON. Mr. Taugher, would you state your full name.

please?

Mr. TAUGHER. My full name is Frederick Joseph Taugher.

Mr. Hamilton. And would you spell your last name for the record, please?

Mr. Taugher. Yes. The spelling is unusual, it is T-a-u-g-h-e-r.

Mr. Hamilton. What is your address?

Mr. Taugher. 6400 South Land Park Drive, Sacramento.

Mr. Hamilton. And your present employment?

Mr. TAUGHER. I am presently employed by the California Legislature as the Chief Administrative Officer of the Assembly.

Mr. Hamilton. What position did you hold in the campaign of Sen-

ator McGovern?

Mr. Taugher. In the fall campaign of the general election I was employed as the southern California campaign coordinator.

Mr. Hamilton. And what was your tenure in this position?

Mr. TAUGHER. From August through early October.

Mr. Hamilton. Was the city of Los Angeles in your jurisdiction? Mr. Taugher. Yes; it, along with, I think, five or six counties in

southern California.

Mr. Hamilton. Now, Mr. Taugher, to set the context for the questions I am going to ask you, and also for the questions that I am going to ask Lieutenant Hickman who will follow you, I want to read certain brief portions of the testimony of Mr. Haldeman who appeared before this committee. First, I am reading where Mr. Haldeman was discussing the type of prankster activity he had agreed to support.

The pranksterism that was envisioned would have specifically excluded such acts as the following: Violent demonstrations and disruptions, heckling or shouting down speakers, burning or bombing campaign headquarters, physical damage or trashing of headquarters in other buildings, harassment of candidate's wives and families by obscenities, disruption of the National Convention by splattering dinner guests with eggs and tomatoes, indecent exposure, rock throwing, assaults on delegates, slashing bus tires, smashing windows, setting trash fires under the gas tank of a bus, knocking policemen from their motorcycles.

I know that this committee and most Americans would agree that such activities cannot be tolerated in a political campaign but unfortunately the activities I had described are all activities which took place in 1972 against the campaign

of the President of the United States by his opponents.

Senator Ervin. We will have a recess, Mr. Taugher, in order to go to vote.

Senator Weicker [presiding]. The hearings will come to order, and the assistant majority counsel will proceed with the questioning.

Mr. Hamilton. Mr. Taugher, when we took that recess I was reading to you brief portions of Mr. Haldeman's testimony and I would like to continue reading this to set the context for the questions that I am going to ask you.

I know that this committee and most Americans will agree, that such activities cannot be tolerated in a political campaign, but unfortunately the activities I have described are all activities which took place in 1972 against the campaign of the President of the United States by his opponents. Some of them took place with the clear knowledge and consent of agents of the opposing candidate in the last election, others were acts of people who clearly—who were clearly unsympathetic to the President but may not have had direct orders from the opposing camp.

Now, that ends the quotation.

Mr. Haldeman later provided testimony as to several specific events to back up his general statement, including testimony regarding two events that occurred in Los Angeles.

Mr. Haldeman gave as an example of the burning and bombing of campaign headquarters an incident in Hollywood, Fairfax Avenue, where a Nixon campaign office was, and I am quoting again, "Blown up by a bomb," and the following question and answer appeared:

Mr. Thompson. You say some of these instances took place with the clear knowledge and consent or agreement of the opposing candidate in the last elec-

tion. Do you have any basis for that statement?

Mr. Haldeman. I understand there is some in the documentation. But one specific that comes immediately to mind of that is on the occasion of a trip to Los Angeles at the Century Plaza Hotel at which there was a very large demonstration staged out in front. The handbills to notify people of this demonstration, of this planned demonstration, were to be, at what time, and that sort of thing were handed out by the McGovern headquarters and I understand there was a phone call program set up in McGovern headquarters there for calling people to urge them to come and attend this demonstration.

Now, I would first like to question you regarding the Century Plaza Hotel incident, and first, do you recall the date of that occurrence?

Mr. Taugher. I believe it was September 27.

Mr. Hamilton. And what event prompted the demonstration?

Mr. TAUGHER. It was the visit of the President to Los Angeles where he was being honored at a large fundraising dinner within the Century Plaza Hotel. The demonstration was outside the hotel.

Mr. Hamilton. Did you attend a meeting in September prior to

the demonstration, where the demonstration was discussed?

Mr. Taugher. Yes; I did. About a week prior to the demonstration, there was a small meeting in the McGovern headquarters where two people associated with the campaign had reported to me that the prior night, an organizational meeting had taken place relative to a forthcoming demonstration and they described what was planned and asked what assistance, if any, the McGovern campaign might want to give.

Mr. Hamilton. Who were the people in this meeting?

Mr. TAUGHER. The two people were Mrs. Jo Seidita and Mrs. Miriam Ludwig.

Mr. Hamilton. Was anyone else at the meeting?

Mr. TAUGHER. Rick Stearns was in the meeting. He was on the national McGovern staff and at that time, was visiting Los Angeles.

Mr. Hamilton. Was Stearns there for the entire meeting or only a

part of the meeting?

Mr. Taugher. He was—the meeting, as a matter of fact, was underway prior to my arrival between Stearns and the other two individuals. I came into the meeting late. I do not—frankly, I do not recall how long he stayed. For some period of time, though, the four of us did discuss the forthcoming demonstration. He may have left before I did, I am not sure.

Mr. Hamilton. Would you tell the committee who Mrs. Ludwig and

Mrs. Seidita are, what organizations they are affiliated with?

Mr. TAUGHER. Mrs. Seidita was an employee of the southern California McGovern campaign. Mrs. Ludwig was associated with the campaign and had a long experience of activity with various peace-oriented organizations in southern California.

Mr. Hamilton. Now, at that meeting, were you told who the people were that were sponsoring and organizing the Century Plaza demon-

stration 8

Mr. TAUGHER. It was my understanding from them that the sponsors consisted of a coalition of various peace organizations that had con-

ducted activities in the past in the Los Angeles area. It was described to me as a very responsible group consisting of the professional people, members of the clergy, responsible individuals. They were nonviolent and responsible.

Mr. HAMILTON. Was there any indication at this meeting that the demonstration to be held at the Century Plaza would be less than

Mr. Taugher. No. We were very careful to discuss the precautions that were being taken to make sure that it was a peaceful demonstration, and I was satisfied on the basis of the information that they gave me that it would be a peaceful demonstration.

Mr. Hamilton. Were you aware that the organizers of the demonstration had secured the services of a number of monitors to preserve

order at the demonstration?

Mr. Taugher. Yes; I was.

Mr. Hamilton. Now, during this meeting, was it proposed that the McGovern phone banks in the Los Angeles headquarters would be used to solicit demonstrators to come to this demonstration?

Mr. Taugher. Yes.

Mr. Hamilton. Do you recall who made this proposal?

Mr. Taugher. I do not recall specifically whether the proposal came from one of the others or whether I volunteered it. I was interested in assisting the demonstration in some way provided it would not interfere with any of the higher priority activities of the campaign. We did have a telephone bank in the headquarters that was not being used at that point in time. So during that meeting, I did agree that our phone bank would be available to the sponsors of the demonstration but that we could not provide any manpower or any other sort of assistance and that if the organizers of the demonstration wanted to recruit their own people to use those phones to call persons on their own lists to encourage them to attend the demonstration, it was agreeable with us.

Mr. Hamilton. So it was your decision, then, that the phone banks could be used, is that correct?

Mr. Taugher. That is correct.

Mr. Hamilton. And did this decision receive approval from those higher up in the campaign than you?

Mr. TAUGHER. Yes; to the extent that Rick Stearns was at the meet-

ing and he agreed with this program that we came up with.

Mr. Hamilton. He did indicate that this proposal had his approval? Is that correct?

Mr. Taugher. Correct, yes.

Mr. Hamilton. Now, were these phone banks actually used?

Mr. TAUGHER. Yes, they were, I believe for 2 successive nights. Mr. Hamilton. How many phones were involved?

Mr. TAUGHER. I do not recall precisely. I would guess, though, that in the room that we used for the telephone bank, we probably had 12 or 15 phones.

Mr. Hamilton. And during these two nights that the phones were

used, were they fully occupied?

Mr. Taugher. I think so, yes. There may be a couple of phones that went unused.

Mr. Hamilton. Were the phones manned by the people who were sponsoring the demonstration as you had required?

Mr. TAUGHER. Yes, they were.

Mr. Hamilton. Do you know if any McGovern staff workers made

any calls to solicit demonstrators?

Mr. TAUGHER. No, they did not. We were interested in the Mc-Govern staff workers to concentrate on our voter registration drive and for that reason I did not want them to participate in the effort.

Mr. Hamilton. What lists were used to make the phone calls?

Mr. Taugher. Lists that were compiled by the people sponsoring the demonstration. I believe on their lists, they had names of persons who had in the past attended various activities sponsored by one or another of the groups that made up the coalition.

Mr. Hamilton. Were any of the McGovern lists used for this

purpose '

Mr. TAUGHER. No, I specifically told them that we would not allow them to use our lists and that we would be calling the names on those lists for other activities and we did not want to overkill. We did not want to wear out our own supporters for things that were not of high priority.

Mr. Hamilton. Were the persons called told that the demonstra-

tion was part of the McGovern campaign activity?

Mr. TAUGHER. Frankly, I do not know.

Mr. Hamilton. Do you know if the callers were told that the calls were coming from McGovern headquarters?

Mr. TAUGHER. I do not know that, either.

Mr. Hamilton. I believe you testified that these phone banks were used for two nights. For how long each night were the banks in operation?

Mr. TAUGHER. As far as I recall, it must have been from about 6 o'clock to 9 o'clock or thereabouts. Generally, from the dinner hours

to 9 or 9:30 is the acceptable time for phoning in Los Angeles.

Mr. Hamilton. Why were the banks not used longer than 2 days? Mr. Taugher. Because after the second night, we were informed that Senator McGovern would be visiting Los Angeles on the following week and so we then needed to use those telephones to call our own lists of supporters to encourage them to attend an event that we were sponsoring for his appearance.

Mr. Hamilton. Now, did any McGovern staff worker help distribute leaflets announcing this demonstration and encouraging attendance?

Mr. TAUGHER. Only to a very minimal extent. The sponsors of the demonstration printed up a large number of leaflets and asked for our assistance in distributing them. I told them that I felt that any massive distribution would interfere with our other activities, but that we would be agreeable to placing a small number of leaflets in each of our storefront quarters for the information of the people that came to those headquarters.

Mr. Hamilton. How many storefronts would that involve?

Mr. Taugher. Well, I would think that about that time in the southern California area, we must have had 100 or more storefronts. I do not know precisely how many of them received those leaflets, because they were only given out in instances where a storefront came to the headquarters to pick up a regular order of McGovern literature and we did not make any special effort to get the leaflets to headquarters unless we had some other reason for a contact.

Mr. Hamilton. Would you estimate that leaflets were distributed in over half of the storefronts?

Mr. TAUGHER. If I had to guess, I would say approximately half of

the storefronts probably received them.

Mr. Hamilton. Was the distribution of these leaflets approved at the same meeting where the use of the phone banks was approved?

Mr. TAUGHER. I think so. I think if not at the same meeting, it was

later that afternoon.

Mr. Hamilton. Do you recall if Mr. Stearns participated in the decision to distribute leaflets?

Mr. TAUGHER. It is likely that he may not have been there at that

Mr. Hamilton. Now, did any McGovern staff worker place or pay for advertisements announcing the demonstration?

Mr. Taugher. No.

Mr. Hamilton. Did any McGovern staff worker participate in the making and distribution of signs or placards to be used in the demonstration?

Mr. Taugher. No, not at all.

Mr. Hamilton. Were callers to the McGovern headquarters, people who called in, told how to reach the demonstration and given instructions to bring a sign to the demonstration?

Mr. Taugher. No. Mr. Намилом. Did you attend this rally, Mr. Taugher ?

Mr. TAUGHER. No, I did not go.

Mr. Hamilton. To your knowledge, did any McGovern staff members attend?

Mr. TAUGHER. Only one person who I can think of specifically, and she did attend and returned to the headquarters right afterward and described for me what happened.

Mr. Hamilton. To your knowledge, did any McGovern staff worker

suggest that the rally should take a violent turn?

Mr. Taugher. No, not at all.

Mr. Hamilton. Have you admitted in the public record that McGovern phone banks were used to contact potential demonstrators?

Mr. Taugher. Yes.

Mr. Намилом. And when did you do this?

Mr. Taugher. I believe it was between the time that we ceased using-allowing the use of the phones and the time of the demonstration itself. It came in response to inquiries and we did admit that we had used the phones.

Mr. Hamilton. So it was in the public record before the demonstra-

tion took place?

Mr. Taugher. Yes, it was.

Mr. Hamilton. Now, as the campaign coordinator for southern California, did you issue an apology for this activity?

Mr. Taugher. Absolutely not.

Mr. Hamilton. Why did you not issue an apology?

Mr. Taugher. I don't think there is anything to apologize for. I

think it was a proper activity.

Mr. Hamilton. Was the campaign, the McGovern campaign, asked by the California Committee for the Re-Election of the President to post a million dollar bond to cover the damages that might occur at the demonstration?

Mr. TAUGHER. Yes.

Mr. Hamilton. What was their response to this?

Mr. TAUGHER. There was no response.

Mr. Hamilton. No response?

Mr. TAUGHER. We did not respond.

Mr. Hamilton. Now, turning to the second incident that was referred to by Mr. Haldeman in the testimony that I read to you, when did you first learn of the so-called Hollywood bombing?

Mr. TAUGHER. The morning after, I heard a news report or saw something in the newspaper to the extent that a Nixon headquarters

in Hollywood did have a fire.

Mr. Hamilton. Do you have any knowledge now as to the date of hat incident?

Mr. Taugher. Around September 16th, September 17th, thereabouts, I think.

Mr. Hamilton. And do you have any firsthand knowledge of that incident?

Mr. Taugher. None whatsoever.

Mr. Hamilton. We are going to receive evidence in a minute from Lt. Hickman, who is sitting behind you, as to what occurred in that incident, but I have one further question to ask you. To your knowledge, was any McGovern staff person involved in any way in this so-called bombing at the Nixon headquarters?

Mr. TAUGHER. Certainly not.

Mr. Hamilton. Mr. Chairman, I have no further questions.

Senator Ervin. Mr. Thompson.

Mr. Thompson. Thank you, Mr. Chairman.

Mr. Taugher, as I understand it, you were the southern California campaign coordinator for Senator McGovern?

Mr. TAUGHER. That is correct.

Mr. Thompson. Rich Stearns whom you mentioned, what was his position?

Mr. Taugher. His position was—I am not sure of the exact title,

but essentially Western States coordinator.

Mr. Thompson. Do you know how many States he served as coordinator for?

Mr. TAUGHER. I think probably most of the States west of the Rockies. I think he also had Texas and maybe some others.

 ${f Mr.}$  Thompson. Who would have been his superior  ${f ?}$ 

Mr. TAUGHER. Gary Hart, I believe.

Mr. Thompson. And he was at the meeting that you referred to where the agreement to assist the antiwar demonstrators was made?

Mr. TAUGHER. Rich Stearns was there; yes.

Mr. Thompson. And so was Mary Jo Seidita?

Mr. Taugher. Correct.

Mr. Thompson. What was her position in the McGovern campaign?

Mr. TAUGHER. She was our director of special organizations. That is, her responsibility was to coordinate the activities of special committees—teachers' groups, other professional groups, groups of people that were united by some common interest such as equal rights organizations.

Mr. Thompson. Was this a salaried position?

Mr. TAUGHER. Yes, it was.

Mr. Thompson. Miriam Ludwig, what was her position with the

McGovern campaign?

Mr. TAUGHER. She served essentially as our liaison under Jo Seidita's direction, as our liaison with various peace-oriented organizations in the southern Calfornia area.

Mr. Thompson. Where did this meeting take place? Mr. TAUGHER. The meeting in which we participated?

Mr. Thompson. Yes.

Mr. TAUGHER. In McGovern headquarters in an office adjoining my own office.

Mr. Thompson. Whose office?

Mr. TAUGHER. It was an office assigned to Barbara McKenzie, who was a deputy to Rick Stearns.

Mr. Thompson. Was she a resident representative for the national

campaign in California?

Mr. TAUGHER. That is right, yes.

Mr. Thompson. Was Barbara McKenzie present during this meeting? Mr. Taugher. I don't believe she was. She may have been in and out, but I have no specific recollection of her being there.

Mr. Thompson. How was the subject brought up and who brought

it up?

Mr. TAUGHER. I am not sure how it first came up. As I said a few moments ago, the meeting was underway at the time I walked in. The two women were discussing with Rick their attendance at the prior night's organizational meeting and as I came in, he turned to me and brought me up to date on what they had discussed up to that point.

Mr. Thompson. Where had they held this prior organizational meet-

ing referred to the prior night?

Mr. TAUGHER. At the Methodist Church, I think, on Wilshire Boule-

vard. It was in Los Angeles.

Mr. Thompson. Who attended that meeting from McGovern head-quarters?

Mr. Taugher. My understanding is that Mrs. Ludwig was there. I

don't know for sure whether Mrs. Seidita was there or not.

Mr. Thompson. Do you know of any other individuals who attended that meeting, either with the McGovern campaign or not with the McGovern campaign?

Mr. TAUGHER. No, I don't.

Mr. Thompson. Do you know any organizations, particular organizations that were represented at that meeting?

Mr. TAUGHER. I don't recall any specifically by name now.

Mr. Thompson. I have here a page from the Los Angeles Free Press. It is published every Friday and dated September 22 to October 2, 1972. October 2 was a Friday. It lists several groups. Among those participating in the meeting—referring, evidently, to this meeting in the church referred to before—the Women's Strike for Peace, Another Mother for Peace, Peace Action Council. October 14 Coalition, National Peace Action Coalition, Vietnam Veterans Against the War, Individuals Against the War, Bar Sinister, National Lawyers Guild, Los Angeles Anti-War Defense Committee, Students for a Democratic Society, Vietnamese Student Union for Peace, American Civil Liberties Union, Women for Socialist Workers Party, Progressive Labor Party, Echo Park, Silver Lake Food Conspiracy, Women Against the

War, Young Socialists Alliance, Student Mobilization Committee, Indo-China Peace Campaign, Pentagon Papers Project, Citizens Research Investigating Committee, West Side Peace Committee, Set the Date, as well as various religious groups, and George McGovern campaigners.

Are you familiar with any of these groups?

Mr. TAUGHER. I am familiar with a number of them by name. One of the assistant minority counsel several weeks ago described that article to me. On the basis of the information that the representatives from our campaign gave me in our meeting, on the basis of the demonstration, the actual demonstration and how it took place, I frankly find it difficult to believe that that is a correct accounting of who was at that meeting.

Mr. Thompson. If this had been a correct accounting and you had

known about it, would it have caused you some concern?

Mr. Taugher. Yes, it certainly would have. If I had known for sure or had any reason to believe that some of the organizations listed there had been at the organizational meeting, I would not have lent the assistance of the McGovern campaign. I only lent the assistance of the campaign because I was reasonably certain on the basis of the information that I had that it would be a peaceful demonstration.

Mr. Thompson. Why would you have withheld assistance had you

known about some of these groups?

Mr. Taugher. Because some of these groups, in my opinion, have

a history of violent activities.

Mr. Thompson. All right. There was a demonstration against a prior President in the previous election, was there not, in the same place?

Mr. Taugher. No, that was not during a campaign, that was in

1967.

Mr. Thompson. That is correct, 1967. Against President Johnson?

Mr. TAUGHER. That is right.

Mr. THOMPSON. It was also at the Century Plaza, is that right?

Mr. TAUGHER. That is right.

Mr. Thompson. Did it also protest the war?

Mr. TAUGHER. Yes, it did. There was some violence at that demonstration. I did not participate in it. I was a guest at the dinner that evening and I was inside the hotel. I did not see any of the demonstrators myself, but I read the news accounts and saw televised coverage of parts of the demonstration. From that experience, I was certain that precautions were taken then and precautions would be taken again this time to protect the President and all the guests of the hotel. So, I was not concerned to that extent.

But the demonstration that you have just now referred to in 1967 was 5 years prior to the one that we are speaking about here, involving a different time and a lot of different individuals, so I saw no reason to think that because in 1967, this was a demonstration over the same issue at the same location, that there would be any reason to conclude

that we would once again have violent activity.

Mr. Thompson. What do you recall happening in 1968 at the Cen-

tury Plaza?

Mr. TAUGHER. I do not recall any specifics. I know there was a lot of pushing and shoving and some of the demonstrators were jailed, and——

Mr. Thompson. Destruction of property?

Mr. Taugher. I do not think so, although I do not recall for sure.

Mr. Thompson. But it was enough to-

Mr. TAUGHER. They were all contained on the street, none of the demonstrators entered the hotel.

Mr. Thompson. There was enough to cause you some concern when you were talking about this demonstration that the same thing did not

happen again, is that correct?

Mr. TAUGHER. I was naturally concerned that we not have any violent activity. I do not see how that would further our cause in any way or do anyone any good.

Mr. Thompson. Did you make any inquiry from Mary Jo Seidita or Miriam Ludwig as to what groups they were planning the demon-

stration with?

Mr. TAUGHER. She named for me some of the groups and each of the groups that she named were ones that I recognized to be responsible groups. We discussed the monitoring system whereby there would be parade marshals and parade routes. We discussed that there would be an official liaison with the Los Angeles Police Department, and I included——

Mr. Thompson. And it turned out to be a peaceful demonstration, did it not?

Mr. Taugher. To my knowledge, it was one of the most peaceful.

Mr. Thompson. Would it be accurate to say that you took the chance on a possible violent demonstration thinking that it would not be, and in fact, your chance proved well taken?

Mr. TAUGHER. I do not think that is quite accurate. The demonstration was going to take place whether we participated in it or not.

Mr. Thompson. That has nothing to do with the propensity for violence, does it, as to whether or not you participated in it?

Mr. Taugher. No.

Mr. Thompson. You were concerned that there be no violence. You knew in 1967 that a similar demonstration there had been violent?

Mr. TAUGHER. That is right.

Mr. Thompson. In the same place for the same cause against the President of the United States.

Mr. TAUGHER. That is right.

Mr. Thompson. So would it not be correct to say, based upon the information that you were furnished on the nature of the people participating, that you took a chance that it would not be violent?

Mr. TAUGHER. There is always a risk when there is any sort of group

activity, I think, that there will be violence.

Mr. Thompson. Your answer would be yes?

Mr. TAUGHER. So my answer would be yes, we did take a chance to that extent.

Mr. Thompson. All right.

Mr. TAUGHER. But we took every reasonable precaution to make sure there would be no violence.

Mr. Thompson. What precautions did you personally take?

Mr. TAUGHER. I did not take any direct action myself. As I said, I did not consider the demonstration to be our campaign activity.

Mr. Thompson. In your discussions did you not conclude that this would help the campaign to rekindle the interest in the war?

Mr. TAUGHER. That is right. I did feel that a successful demonstra-

tion on that issue would be of benefit to the campaign.

Mr. Thompson. And they originally, I believe, asked you for other assistance in the demonstration and you turned them down; is that correct?

Mr. TAUGHER. That is right.

Mr. Thompson. And the reason you turned them down was because you had a manpower problem?

Mr. TAUGHER. We had higher priorities at that time as to what we

should do with our campaign personnel and resources.

Mr. Thompson. So you agreed to let them use your phone bank of 12 to 15 telephones?

Mr. TAUGHER. That is right.

Mr. Thompson. And you agreed to let them distribute fliers advertising the demonstration?

Mr. TAUGHER. To distribute fliers on to the extent where it would not

utilize our manpower in doing so.

Mr. Thompson. Would it be accurate to say that fliers advertising the demonstration were distributed to approximately 100 headquarters offices?

Mr. TAUGHER. I would guess probably they got to about 50 head-quarters offices and in each instance there was probably no more than 15 or 20 fliers at those 50 offices. I think the number of fliers that were distributed by our campaign was a very small percentage, probably of all of the fliers distributed.

Mr. Thompson. Why would there only be 15-10 or 15 fliers?

Mr. TAUGHER. Because it was not our intention to massively distribute those fliers. It was our intention simply to put the fliers on a table of literature near the door so that people coming into the headquarters, for one reason or another, would be made aware of the demonstration and could attend it if they wished to do so.

We did not want to take any of the manpower from that headquarters and have it distributed at shopping centers or door-to-door or any-

thing of that sort.

Mr. Thompson. Was there an effort, then, to place a limitation on the number of fliers in the headquarters?

Mr. TAUGHER. Yes. We did not-

Mr. Thompson. Why, if you thought it was the thing to do and it would not require any more manpower for you to have a thousand?

Mr. TAUGHER. Well, I think it would have been a waste of printing to put a thousand fliers near the front door when we did not expect heavy traffic in those headquarters.

Mr. Thompson. Would that not be a decision for those primarily

organizing the demonstration to make?

Mr. TAUGHER. No. I think it is—the use of the McGovern campaign headquarters is properly a decision of the campaign management.

Mr. Thompson. I am talking about whether or not certain materials would be wasted. Were you concerned as to the organizers of this

demonstration wasting their own material?

Mr. TAUGHER. Well, no, I suppose that decision is properly theirs. There was in my judgment, though, a danger that if we distributed an excessive number of fliers to one of our headquarters that the personnel in that headquarters would take it upon themselves to take

time away from their voter registration activities and begin to dis-

tribute those fliers on their own.

Mr. Thompson. So you felt if there were a few fliers lying around the headquarters, workers would not be tempted to go out and distribute them? But if you had too many there, your workers would be tempted to go out and distribute them, even possibly contrary to instructions?

Mr. TAUGHER. That is correct.

Mr. Thompson. Is that your feeling on it?

Mr. Taugher. Yes, sir.

Mr. Thompson. Do you know whether or not any of the same people who organized the demonstration at the Century Plaza in 1972 were also some of the same people who organized the demonstration against President Johnson in 1967?

Mr. TAUGHER. I think it is likely that, in a demonstration of that size, there probably were a number of people who participated in the

organization of those.

Mr. Thompson. Did you inquire specifically when the proposal was being put out as to whether or not there were certain groups or individuals who had promoted this demonstration that turned out to be a violent encounter?

Mr. TAUGHER. No. I did not because, like I say, on the basis of our conversations about what precautions were being taken for the 1972 demonstration, I was satisfied that those precautions would—those steps were being followed through, and there would be no chance for any violence such as in 1967.

Mr. Thompson. No chance. How many demonstrators showed up

there, I heard estimates from 6,000 to 10,000.

Mr. TAUGHER. I do not know. I have heard estimates from 3,000

to 8,000. I do not know how many were there.

Mr. Thompson. Is it your opinion if you have this many people involved, that, if you take certain precautions you can prevent a demonstration from becoming violent if certain of those individuals desire to be violent?

Mr. TAUGHER. No.

Mr. Thompson. No one is arguing with the fact that it was a non-violent demonstration. I am more interested in the position you were in there when you made the decision to go ahead and let the McGovern organization do this to the extent that you described.

Mr. Taugher. I think there is always—there is no way to absolutely

guarantee a nonviolent activity.

Mr. Thompson. But if you have a history of a prior demonstration at the same location, and the same cause, would you not say there would be a little bit greater likelihood of violence in a similar demonstration against another President for the same cause?

Mr. TAUGHER. No; I do not think the location, the fact that is was a

similar location, was a factor at all.

Mr. Thompson. The fact that similar individuals would be involved

in promoting it?

Mr. TAUGHER. I think that similar—some of the same individuals who participated in the 1967 demonstration would likely participate in any similar demonstration anywhere in the Los Angeles area. I think the fact that it was at the Century Plaza Hotel for a second time had nothing to do with it.

Mr. Thompson. You don't think there was any more likelihood for a violent demonstration-

Mr. Taugher. No.

Mr. Thompson [continuing]. At the Century Plaza----

Mr. Taugher. No. I don't.

Mr. THOMPSON [continuing]. Than in New Orleans or anywhere else in light of the fact that the only other prior demonstration that I know of, of that size, that dimension, did produce violence. You don't think there is any greater likelihood of violence in this case than if it had been in another city?

Mr. Taugher. No.

Mr. Thompson. That was in your mind at the time you agreed-

Mr. TAUGHER. At the time I agreed to lend the help of the McGovern campaign to promote that demonstration, I was reasonably certain that there would be no violence—and there was none.

Mr. Thompson. You stated that the telephone, the use of the tele-

phone, was discontinued shortly after that.

Mr. Taugher. That is correct; yes.

Mr. Thompson. And that decision was made because Senator Mc-Govern, I believe, was coming to town and you needed the manpower to rally support for him when he arrived?

Mr. TAUGHER. That is right.

Mr. Thompson. You needed the telephone?
Mr. TAUGHER. That is right. It was our practice whenever he came to Los Angeles to phone names on lists that we had to encourage them

to attend the event at which he would be appearing.

Mr. Thompson. All right. I am referring now to a story in the Washington Post of September 24, 1972, which says "Anti-War Use of McGovern Phones Ends." Let me ask you this first: When the story broke about the fact that McGovern phones were being used, did anyone in the McGovern campaign besides the ones you had been dealing with inquire of you as to how this had come about?

Mr. TAUGHER. Yes. The statewide communications director for the

campaign asked me what we had done and how it came about, and I gave him essentially the same information I am giving you today.

Mr. Thompson. Who was that individual?

Mr. TAUGHER. His name is Lew Hass.

Mr. THOMPSON. And you told him that you had a meeting and that you had discussed it and you decided to approve it?

Mr. TAUGHER. That is correct.

Mr. Thompson. Mr. Stearns participated and he approved it?

Mr. TAUGHER. That is correct.

Mr. Thompson. And that the telephones were used and that headquarters were used to place certain fliers advertising the demonstration, you explained all this to him?

Mr. Taugher. Yes: I did.

Mr. Thompson. Who is Mr. Fred Epstein?

Mr. TAUGHER. He was the press secretary in the campaign and he reported to Lew Hass. He is the one in the campaign who frequently fielded questions from reporters if they would call the headquarters for information.

Mr. Thompson. Did you talk to Mr. Epstein about this?

Mr. TAUGHER. No; I did not.

Mr. Thompson. Do you know whether anyone else there at head-quarters talked to Mr. Epstein about it?

Mr. Taugher. I don't know.

Mr. Thompson. In the natural course of events, if Mr. Hass had come to you and asked for information, would be then impart it to Mr. Epstein for his——

Mr. TAUGHER. Probably so.

Mr. Thompson. Let me read this article; it says:

Anti-war activists used telephones at the local campaign headquarters of democratic Presidential candidate George McGovern for two nights to promote a planned demonstration against President Nixon, a McGovern spokesman says.

But McGovern campaign officials have told the activists they cannot use their

telephones any longer, the spokesman, Fred Epstein said.

"I don't know who allowed them to use the phones or who told them to stop," Epstein said today. "It probably was some overzealous person in the campaign. "Once I knew it was not going on any longer I didn't pursue trying to find out who was responsible," Epstein said. "The important thing is that the anti-war activists no longer are using the McGovern phones."

It appears that Mr. Epstein felt, or that the official position of the McGovern campaign at that time was that it was not a wise or proper thing to use McGovern telephones to promote a massive demonstration against the President.

Would you say that is a fair characterization of his position at that

time or what the McGovern position was?

Mr. TAUGHER. Lew Hass and I disagreed on the use of the phones. It is possible that the story which you have just quoted is a story written after a reporter asked Fred Epstein questions directly, and that it is not as the result of a printed release that we put out, I am not sure which is the case. But from the language in there I would conclude that it was probably the result of direct inquiries to him, and he may have responded before fully checking it out.

Mr. Thompson. In other words, he might have been misrepresenting the McGovern position in California anyway at that time as to whether

or not----

Mr. Taugher. It misrepresented my position, yes.

Mr. Thompson. Your position?

Mr. Taugher. Yes.

Mr. Thompson. Were you the one to set the policy in a matter like that?

Mr. TAUGHER. Essentially, yes, although Lew has had overall state-wide responsibility for all press relations.

Mr. Thompson. What about Rick Stearns. You were responsible to

him, were you not?

Mr. Taugher. That is correct, yes.

Mr. Thompson. Did you get an expression from him or do you know if Mr. Hass did with regard to the wisdom or propriety of using Mc-Govern phones to help promote a massive demonstration against the President?

Mr. Taugher. As I said earlier Rick Stearns was present at the meeting at which we discussed this. In the normal course of events I would not have, however, checked it with him. I felt that I had the authority in my position to authorize the use of those phones. He was no longer in the State at the time that these press stories were out.

Mr. Thompson. Who was not?

Mr. Taugher. Rick was not.

Mr. Thompson. Mr. Stearns.

Mr. TAUGHER. And I did not talk to him any more about it after that

initial meeting. I don't know whether Lew has it or not.

Mr. Thompson. It appears Mr. Hass shares Mr. Epstein's opinion anyway in an article in the Washington Post dated Wednesday, October 3, 1973, entitled "GOP Probers Seeking 'Dirty Tricks' of Foes," they quote Mr. Epstein as saving:

As reported in October 1972 the official of McGovern's California campaign denied a Republican charge that the demonstrators had been permitted to use the phones. The official, Lew Hass, acknowledged that the demonstrators had, in fact, used the phones. "When we found out about it we stopped it immediately."

Mr. Taugher. Well, that is not correct.

Mr. Thompson. But that correctly expresses his opinion, does it not, that it was an improper thing to do; would that not be a fair characterization of it?

Mr. Taugher. That is true but the phones were stopped for a dif-

ferent reason than that.

Mr. Thompson. That is a second matter I wanted to ask you about. First of all, Mr. Epstein says it was probably some overzealous person in the campaign.

Would it not be fair to say that that implied that there was no previous knowledge by any McGovern staffers with regard to the

use of the phone bank?

Mr. TAUGHER. I think if I read that story I would make the same assumption that is not the case.

Mr. Thompson. That leaves the wrong impression, does it not?

Mr. Taugher. It certainly does.

Mr. Thompson. Mr. Hass' statement here that "When we found out about it we stopped it immediately"; as a matter of fact, the reason you stopped it was because Senator McGovern was coming to town and you needed the phones for something else?

Mr. TAUGHER. That is right.

Mr. Thompson. So Mr. Hass' story is not correct in that regard, is it? Mr. TAUGHER. I do not consider it a correct interpretation under the circumstances.

Mr. Thompson. And he knew better, did he not?

Mr. Taugher. I don't know whether he knew better at the time that he made that statement, but we did have a discussion on a Saturday morning, I believe, relative to the use of the phone banks.

Mr. Thompson. And you told him that you had planned it, that

you had approved it.

Mr. Taugher. Yes.

Mr. Thompson. That you had authorized it, Rick Stearns had authorized it.

Mr. Taugher. Yes.

Mr. Thompson. What did he say to you at that time?

Mr. TAUGHER. He said that he thought that we should not have done it because of the potential danger from the press point of view.

Mr. Thompson. Did he indicate to you as to how he was going to respond to the press inquiries about McGovern involvement?

Mr. TAUGHER. He did not as I recall, no conclusions were reached at

that meeting.

Mr. Thompson. Would you say that putting out a story that it was probably some overly zealous person and that as soon as it was found out, it was stopped immediately, would be an attempted coverup of what actually happened?

Mr. Taugher. It might have been.

Mr. Thompson. Mr. Chairman, I have certain photographs here which I understand the next witness has identified. If there is no disagreement to admitting them in the record, I think it might be more appropriate to admit the pictures into the record right now, although I understand that this particular witness does not identify them. If there is no objection, I will put these into the record at this time.

Mr. Hamilton. Mr. Thompson, I don't have any objection to these photographs going into the record. I would like to know their source.

Mr. Thompson. The source is the White House photographer who was on the scene and took these photographs and supplied them to us at our request.

Senator Ervin. Without objection, the photographs will be admitted

in evidence as exhibits and appropriately numbered as such.

The documents referred to were marked exhibits Nos. 229A, 229B,

229C, and 229D.\*]

Mr. Thompson. I will just refer to these briefly one at a time. As I stated, it is my understanding that with minor exceptions, a little rock throwing, a little egg throwing, perhaps, it did not get out of of hand, that it was a nonviolent demonstration.

Mr. TAUGHER. I am not even aware of the rock throwing and the

egg throwing.

Mr. Thompson. Well, we can supply it if it becomes an issue.

This photograph [exhibit No. 229A] depicts signs, "\$1,000 a plate for war and hate." "Nixon and Thieu blood-brothers," with a swastika sign on one side.

One demonstrator is holding what appears to be a Vietcong flag and the Vietnam Veterans Against the War have a banner prominently

displayed in this particular photograph.

The second photograph [exhibit No. 229B] shows signs, demonstrators, "Stop the War, Stop the Murder, Stop Nixon."

"Republicans for McGovern."

Another photograph [exhibit No. 229C] shows demonstrators holding up a "McGovern-Shriver 1972" sign with part of a Nixon sign with skull and crossbones on that particular sign.

Here is another photograph [exhibit No. 229D] with a sign which can only be described as very vulgar and obscene. I won't repeat it, but

I will make it a part of the record.

Mr. Chairman, I have no further questions at this time. Thank you. Senator Ervin. This demonstration in connection with which phones in the McGovern headquarters were used was in September 1972 and near the Century Plaza Hotel?

Mr. TAUGHER. That is right.

Senator Ervin. That was the hotel at which President Nixon was to make a speech that evening?

Mr. Taugher. That is correct, yes, sir.

Senator Ervin. And did the McGovern headquarters do anything in connection with it except to authorize the use of the telephones and to distribute within its own headquarters certain fliers?

<sup>\*</sup>See pp. 4699-4702.

Mr. TAUGHER. These are the only two actions that we took to support the demonstrations.

Senator Ervin. Now, the first amendment says:

Congress shall make no law abridging the right of the people peacefully to assemble and to petition the Government for redress of grievances.

Was this demonstration peaceful?

Mr. TAUGHER. My understanding is that it was a peaceful demonstration, yes, sir.

Senator ERVIN. Did they petition the President for an end to the

war in Vietnam by the placards and so forth?

Mr. Taugher. Yes; I would say so; although, as I understand it, he probably did not see the demonstrators because of the way that he arrived at the hotel and the area which the demonstrators were confined to.

Senator Ervin. But the White House photographer evidently saw the demonstration, because he took some photographs.

Mr. TAUGHER. I think he got the message about the war.

Senator Ervin. Now, did you see anything in this demonstration which could not be properly construed as the exercise of the first amendment right by those demonstrating peacefully to assemble and to petition the Government for redress of grievances?

Mt. Taugher. Well, some of the signs as described by Mr. Thompson are personally repugnant to me, and I think to most people, but overall, the huge majority of the demonstrators peacefully and quietly demonstrated and petitioned the President regarding an issue that they felt very strongly about.

Senator Ervin. And demonstrating is an old American pastime, isn't

it.?

Mr. Taugher. It certainly is.

Senator Ervin. I never demonstrate, but some people seem to get a peculiar pleasure out of it.

That is all.

Senator Weicker.

Senator Weicker. I have no questions.

Senator Ervin. Senator Inouve.

Senator Inouge. I just have one question, sir.

Mr. Taugher, in your meeting on September 21, 1972, where the decision to use the phone banks was made, was the matter of violence

Mr. Taugher. It was discussed to the extent that we reviewed the steps that the organizers of the demonstration would take in order to prevent violence.

Senator Induxe. What were these precautions or steps which were

taken?

Mr. Taugher. I am not sure of all of them. Essentially, they were going to appoint parade monitors, a very high number of them, a close ratio of monitors to demonstrators. They were going to have a prescribed parade route in front of the hotel. They had made an official connection with the Los Angeles Police Department. They had made the hotel aware of their intention to demonstrate. I don't know if you are familiar with the hotel, but the area where the demonstration took place was on a broad street in front of the hotel. There is easy access for hotel guests from another direction so there would not be any point of confrontation. It was, in my opinion, ideally organized to prevent any violent incidents.

Senator INOUYE. So this was a well publicized demonstration?

Mr. TAUGHER. Yes; it had----

Senator Inouxe. And were you satisfied that the hotel was in fact notified?

Mr. TAUGHER. Only to the extent that I was told so by people whose judgment I trusted.

Senator Inough. Were you satisfied that the police department was appropriately notified?

Mr. Taugher. Yes.

Senator Inouye. So in your mind, you were certain that all possible precautions were taken?

Mr. Taugher. Certainly.

Senator Induxe. You have indicated that there is always a possibility of violence in any group activity. I presume by that, even a meeting of Boy Scouts could erupt into violence?

Mr. TAUGHER. Or a soccer game or a number of other examples can

come to mind.

Senator Inoune. I was not in Los Angeles at that time, but was this demonstration violent, nonviolent, peaceful—how would you describe this, sir?

Mr. TAUGHER. I did not attend the demonstration myself. The reports that I have of the demonstration are that it was a very peaceful demonstration.

Senator Inouye. Thank you very much, sir.

Senator Ervin. Does counsel or anyone else have any further questions?

Mr. Thompson. I would like to ask one or two more questions, Mr.

Chairman, since I am not clear on one point.

How many people did you estimate would attend the demonstration? Mr. TAUGHER. The estimates that had been given to me, as I recall, by the organizers, our people who had been in contact with the organizers, was that it could go as high as 10,000. But, you know, I did

not know whether to expect 2,500 or 10,000.

Mr. Thompson. I do not want to get too much into the broader political or philosophical areas. I think that is probably not my role, but since it has been gone into, I think it is a proper question; since no one has questioned your statement that this is a proper, desirable campaign activity. I am not referring to the right of any individual to parade or peacefully protest or even carry a vulgar and lewd sign or imply that the President is a Nazi or to imply that he is a murderer. That is constitutionally protected, as I understand it. But as a political activity of one partisan group against another, do you consider it proper and desirable for one political campaign to promote this sort of thing or assist in this sort of thing against its campaign opponent?

Mr. TAUGHER. I think it is very proper for a campaign to peacefully demonstrate against an opponent when it is relative to an issue. I think heckling, disruptive activities, personal attacks, things of that sort are not at all proper and I do not think that they have any proper

place in American politics.

Mr. Thompson. You think heckling does not have a proper place in American politics?

Mr. TAUGHER. I do not think it is a proper activity.

Mr. Thompson. Why?

Mr. TAUGHER. Because I think it interferes with a person's right to

free speech.

Mr. Thompson. What about 10,000 people? Sometimes that interferes with a person's right to enter a building or to even get out of an automobile, and we will have, of course, other witnesses on some of these other things. But 10,000 people, a group of that size in and of itself carries that potential also, does it not?

Mr. TAUGHER. This particular demonstration was set up so that

there would be, as I understand it, no interference—

Mr. Thompson. I am talking in a broader sense now.

Mr. TAUGHER. In a broader sense, I think I am essentially opposed to interfering with anyone's freedom to move about or to speak.

Mr. Thompson. Would you have considered it a proper and desirable political campaign activity for the Republicans or the Committee To Re-Elect or the local Republican organization in some way to have assisted demonstrators against Senator McGovern when he came to town; to have promoted a demonstration involving lewd signs and holding up signs that implied Senator McGovern was a Communist because he wanted to go and beg Hanoi on his knees?

Mr. TAUGHER. I think if the Committee To Re-Elect had organized a sizable demonstration in which, unfortunately, a handful of people carried signs of that sort, I'd think the Committee To Re-Elect had conducted a proper activity and that they could not be held responsible for a few delinquents. I think if the Committee To Re-Elect, on the other hand, had purposely put together a demonstration which, the purpose of which would be to insult the candidate or to carry lewd signs or to do anything of that nature, I think it would be very improper.

Mr. Thompson. Did you consider for a moment that that would not be the result in this particular demonstration? Did you consider for a moment that there would not be lewd and obscene signs, signs imply-

ing that the President was a Nazi?

Mr. TAUGHER. I think we all have to be very practical, and I presume that if we had 10,000 demonstrators, we would have a handful of unfortunate signs. But I also presumed that the majority of the demonstrators would be peaceful and polite and——

Mr. Thompson. You presumed that as a matter of course, that 10,000 demonstrators, at a place where a previous demonstration had

turned into a scene of violence?

Mr. TAUGHER. That is right.

Mr. Thompson. With the Vietnam Veterans Against the War and other groups?

Mr. TAUGHER. I made that presumption.

Mr. Thompson. You would presume that that would be a non-violent demonstration?

Mr. Taugher. Yes; and as it turns out, my presumption was correct.

Mr. Thompson. It was in this case.

We have heard testimony concerning ordering pizza and limousines for an individual's campaign when actually they did not order them and causing that campaign to have to pay for it in other areas, presumably in the dirty trick area. But I presume what you are saying before this committee, and you have not been challenged on it, is that to assist in organizing a massive demonstration of 10,000 at a place that had previously produced a violent demonstration with the assumption that there would be some lewd and vulgar signs, that is proper, not only proper but desirable campaign activity for the United States of America?

Mr. TAUGHER. To assist a peaceful demonstration, yes. To order

pizzas and limousines, no.

Mr. Thompson. I have no further questions.

Senator Weicker. Mr. Chairman, I wonder if I might pose a question here that has occurred to me as I have been listening to the colloquy.

Senator Ervin. Yes.

Senator Weicker. This occurred, as I understand it, in September 1972, is that correct?

Mr. Taugher. Right.

Senator WEICKER. Were the McGovern people not actually—I do not mean to say afraid, but were you not concerned, if anything, over the fact that demonstrating groups and any violence that emanated from those groups might be attributed to the candidate?

Mr. TAUGHER. Well, I suppose I would have had, you know, a basic fear that any demonstration against the President, whether our campaign participated or not, would somehow reflect on the McGovern candidacy. It was a situation where there were two adversaries, and

I think the public would likely make some assumptions.

Senator Weicker. Because the tendency up to that point had been to paint—and we have had evidence to this extent before the committee—your candidate as a radical, as one who would go along with such

activity. Was this a concern to you, in other words?

I see, from the testimony that you give, a sort of conflict, I suppose, as between philosophy and practical politics, the conflict being one of, certainly, agreeing with the precepts of our Constitution and seeing that everybody does have the right to express themselves; on the other hand, having been struck with the label, if you will, of radical, having it turned around on you. Would you like to comment on that?

Mr. Taugher. Well, I am not quite sure, Senator, what you are get-

ting at.

Senator Weicker. Well, what I am getting at is that—or what I am asking you is—was it a practical political concern of the McGovern people that demonstrations that involved these types of groups would get out of hand, and I suppose further define an image in the American voter's mind which was being attributed to your candidate?

Mr. TAUGHER. Well, speaking, then, for a moment as a practical politician, the merits of the issue aside, I suppose that I would fear that in such a situation, a demonstration would reflect on us whether or not we participated in it. If it were violent, even though we had nothing to do with it, it would reflect on us. On the other hand, if it were a poorly attended demonstration and we had nothing to do with it, it would somehow reflect on us that people did not really care about that issue.

Senator Weicker. I think you have answered by question.

Senator Ervin. Are there any further questions?

[No response.]

Senator Ervin. If not, thank you very much. You are excused, Mr.

Taugher.

Mr. Dash. Mr. Chairman, before you call the next witness, who will be very brief, could I first, with regard to Mr. McMinoway, the earlier witness, have identified and introduced in the record the various documents which he has identified? They are tab 1 through tab 9 which were his documents and from which I, Mr. Thompson, and the various members of the committee questioned him.

Senator Ervin. Without objection, it is so ordered. They will be

received as exhibits and appropriately numbered as such.

[The documents referred to were marked exhibits Nos. 230 through 238.\*]

Mr. Dash. Mr. Gary Hickman.

Senator Ervin. Will you raise your right hand please? Do you swear that the evidence which you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Lieutenant HICKMAN. I do.

Mr. Hamilton. Mr. Hickman, would state your full name, please?

## TESTIMONY OF GARY HICKMAN, LIEUTENANT, LOS ANGELES, CALIF., POLICE DEPARTMENT

Lieutenant Hickman. Gary Hickman.

Mr. Hamilton. What is your business address?

Lieutenant Hickman. 150 North Los Angeles Street, Los Angeles, Calif.

Mr. Hamilton. What is your current employment?

Lieutenant HICKMAN. I am a lieutenant of police for the city of Los Angeles.

Mr. Hamilton. And your current position with the Los Angeles

Police Department is what?

Lieutenant HICKMAN. I am the adjutant to the chief of police.

Mr. Hamilton. How long have you held this position?

Lieutenant HICKMAN. For the past 4 months.

Mr. Hamilton. Before that, what was your position?

Lieutenant Hickman. I was assigned as community relations officer to the West Los Angeles division.

Mr. Hamilton. On the day of September 27, 1972, what was your

position at that time?

Lieutenant Hickman. I was acting as the commanding officer of the West Los Angeles division during the month of September.

Mr. Hamilton. Did you attend, in your official capacity, a demonstration in front of the Century Plaza Hotel on that date?

Lieutenant Hickman. On September 27, yes.

Mr. Hamilton. And what was the occasion that prompted this demonstration?

Lieutenant Hickman. It was a visit by President Nixon to the Century Plaza Hotel for the purpose of attending a fundraising dinner.

<sup>\*</sup>See pp. 4703-4718.

Mr. Hamilton. And what was your understanding of the people who were organizing and sponsoring this demonstration, their identifications?

Lieutenant Hickman. It was composed, as I was told, of a coalition of several peace groups from various parts of the city of Los Angeles and other parts of the country.

Mr. Hamlton. Were any of the organizers or sponsors persons who

were representing the McGovern campaign?

Lieutenant HICKMAN. Not to my knowledge.

Mr. Hamilton. Were you aware that the McGovern headquarters phone banks were being used to drum up support for this demonstration?

Lieutenant Hickman. I learned of that approximately 2 or 3 days

prior to the actual demonstration.

Mr. Hamilton. What was the source of that information?

Lieutenant HICKMAN. Well, I originally received that information through intelligence sources in my department and then subsequently read about it in the Los Angeles Times.

Mr. Hamilton. Before the demonstration took place, did you meet

with the leaders of the demonstration?

Lieutenant HICKMAN. Yes.

Mr. Hamilton. How many times did you meet with them?

Lieutenant HICKMAN. Approximately eight times.

Mr. Hamilton. And with whom did you principally meet?

Lieutenant Hickman. With Dr. Donald Kalish, philosophy professor from UCLA.

Mr. Hamilton. What was the purpose of these meetings?

Lieutenant Hickman. The purpose of the meetings was primarily to establish some workable guidelines between the demonstrators and the police department as to the conduct of the demonstrators and to establish some rapport and some liaison between our two organizations.

Mr. Hamilton. I take it that the meeting was looking toward a

peaceful demonstration?

Lieutenant Hickman. Yes.

Mr. Hamilton. Did you learn at these meetings that the leaders of the demonstrations planned to have monitors to supervise the demonstrations and to preserve order?

Lieutenant HICKMAN. Yes.

Mr. Hamilton. What was your understanding as to how many monitors were employed for this purpose?

Lieutenant Hickman. I was told by Dr. Kalish that there would be

approximately 200 monitors.

Mr. Hamilton. After the demonstration took place, was an afteraction police report prepared on this event?

Lieutenant Hickman. Yes.

Mr. Hamilton. I am going to show you a copy of a document or documents you have provided me. I would like for you to identify these, please.

Would you very quickly identify the documents?

Lieutenant Hickman. The document I was just handed is an afteraction report that was prepared by Comdr. George Beck, directed to Deputy Chief Louis Spore. This report gives a brief synopsis of the events which took place prior to and during the demonstration on

September 27. It gives a breakdown of man-hours expended and total cost to the department as a result of that demonstration.

Mr. Hamilton. Now, how many people participated in this demon-

stration?

Lieutenant Hickman. On the part of the demonstrators our official

estimate was 3,000.

Mr. Hamilton. I am going to ask you, Lieutenant Hickman to describe in your own words exactly what took place in this demonstration, and if you wish to refer to the report that I have given you, please do so.

Will you tell the committee what transpired and I think you should make it brief because I understand there is going to be a vote in about

5 minutes.

Lieutenant Hickman. I will try.

The demonstration actually began on the UCLA campus at approximately 4 p.m. It began with a rally at the campus. The people who rallied there then paraded from the Westwood Village area to the Century Plaza Hotel. They arrived at the hotel at approximately 6 p.m., and from 6 p.m. until approximately 8 p.m., there was a continuous buildup of the crowd size until it reached a peak at about 8 p.m.

The demonstration itself was entirely peaceful or with one or two minor exceptions The crowd paraded in front of the hotel, across the street from the hotel as the size of the crowd grew larger. Many people carried placards, there was a lot of chanting and shouting of slogans.

There were approximately 200 monitors who were identified by green armbands that they wore. My particular job was to function as the liaison between the demonstrators and my department, and as such I was stationed directly in front of the hotel in uniform and I worked with a group of about five people who were powered to be representatives of the various peace groups, and they formed sort of a command post cadre of demonstrators.

I dealt primarily, though, with Dr. Kalish even though the other

people were there.

Mr. Hamilton. Now, you said there were two minor incidents.

Would you describe those incidents, please?

Lieutenant Hickman. Yes, sir, the first incident occurred when I personally observed two or three rocks being thrown at some of our police photographers who were standing in the middle of the Century, it was Avenue of the Stars in front of the hotel, and the rocks were thrown from a group of people who were standing on the east side of Avenue of the Stars.

I told Dr. Kalish that unless someone stopped that sort of activity we would have to bring in uniformed officers to disperse the group. He took about 20 of his monitors across the street, circulated through the crowd and asked the people to behave themselves. He then took these monitors and surrounded our police photographers in order to prevent anyone else from throwing rocks at them.

Mr. Hamilton. Now, was there another incident that was provoked

when certain Nixon supporters came out of the hotel?

Lieutenant HICKMAN. Yes.

Toward the end of the demonstration, there was a large group of Young Republicans for Nixon who had staged a rally at the rear of the hotel earlier when President Nixon arrived at the hotel by helicopter. They subsequently attended a banquet of some sort at the lower level of the hotel. When that broke up, many of these young people came up to the lobby and flowed out onto the front entrance and driveway of the hotel, many of them were carrying pro-Nixon signs, and they began to shout at the demonstrators who, in turn, began to shout back, and a large number of people who were standing or seated across the street, ran across the street in large numbers apparently just to get a better view.

The first response from the police officers stationed at the hotel entrance was to bring out approximately two squads of uniformed officers to form a skirmish line in front of the hotel doors. It was merely a precautionary measure in the event that anyone should

attempt to proceed past the driveway and on up to the hotel.

The young Nixon demonstrators were encouraged to return to the hotel—which they did—and we immediately withdrew our uniformed officers from the front of the hotel and the crowd then went about its business of marching and demonstrating.

Mr. Hamilton. Toward the end of the demonstration, was there an incident involving a group from the Vietnam Veterans Against the

War?

Lieutenant Hickman. Yes. There were approximately 30 people who were identified by Dr. Kalish as being members of the Vietnam veterans. They arrived somewhat late in the demonstration. They were perhaps more vocal than any other group that was there. Dr. Kalish had warned me several times during our prior meetings that he could take no responsibility for this group. He felt that they were going to definitely try to provoke a violence confrontation, if possible. They, at the very end of the demonstration when there were only about 200 or 300 people actually left marching, they took up positions along the guardrail of the hotel and they had broken sticks that they were holding their placards on, and they began to rake the sticks across the steel guardrail, and continued to chant for a long period of time.

At about midnight, one squad of officers were brought out to simply go along the guardrail and ask these individuals to leave, and to cease their noisemaking, and they all complied with it, no problem. After that point, the entire demonstration dispersed and we disbanded our

command post.

Mr. Hamilton. Lieutenant, during the demonstration, how many arrests were made?

Lieutenant Hickman. There were a total of three arrests made.

Mr. Hamilton. What were these arrests for?

Lieutenant Hickman. Two of the arrests were made by the Los Angeles Police Department, one for interfering with a police officer, and another one, I believe, was for possession of drugs. The third arrest, which was for possession of marihuana, was made by the Secret Service in the hotel.

Mr. Hamilton. What would be your overall characterization of the demonstration? Would you characterize it as a peaceful demonstration?

Lieutenant Hickman. Yes, sir.

Mr. Hamilton. Mr. Patrick Buchanan, in his testimony before this committee, described the Century Plaza incident as an example of,

and I am quoting now, "Near-violent demonstrations denying the President of the United States a right to speak."

Was this demonstration near violent?

Lieutenant HICKMAN. No, sir.

Mr. Hamilton. To your knowledge, did the demonstration deny the President a right to speak?

Lieutenant Hickman. No, sir. It was my understanding that the

program, as scheduled, went off without any problems.

Mr. Hamilton. Now, to change the subject, Lieutenant, are you aware that, on September 17, 1972, a Nixon campaign office located on Fairfax Avenue in Hollywood suffered some fire damage?

Lieutenant Hickman. Yes: I believe it was September 18, however.

Mr. Hamilton. Did you personally investigate this incident?

Lieutenant Hickman. No, sir.

Mr. Hamilton. Have you reviewed the police reports on this incident?

Lieutenant HICKMAN. Yes, sir.

Mr. Hamilton. I am going to show you a copy of various police reports which you have provided to me, and I would like for you to

identify these reports.

Lieutenant Hickman. I have before me several Los Angeles Police Department reports, the first of which is a death report. The reference number on all of these reports is 72–651638. This death report is for an individual by the name of Jenkins, David William. There is a followup report to that death report, a copy of the property receipt. The next report is a Los Angeles Police Department burglary report, the victim in this case being the Star City Distributors at 449 North Fairfax Avenue in Los Angeles.

There are three pages of narrative attached to this report. There is then a followup report to this burglary, listing the name of the deceased as well as two other suspects who were subsequently arrested

as a result of this incident.

There is a second followup report to this burglary listing several other victims, one of which is the Democrats for Nixon headquarters

located at the same address.

There is a list of property that was taken in this burglary from the various victims. Then there are a total of three Los Angeles Police Department property reports listing various items of property that were subsequently recovered and booked into Los Angeles Police De-

partment custody.

Mr. Hamilton. Lieutenant, I would like to ask you to read brief portions of these reports into the record, and I would like to focus your attention first on the burglary report dated September 18, 1972, regarding the break-in at the Star City Distributors. I would also like to ask you to read the narrative that is found at page 3 of this report, and I would appreciate it if you would translate the abbreviations for us because I am not sure that they are all clear.

Lieutenant Hickman. Very well. Beginning on page 3:

The reporting person stated he locked and secured his building at 1330 hours on September 16, 1972. At 0240 hours officer received a radio call "Arson suspects just left from 450 North Fairfax, suspects were 5 male negroes last seen running from the location towards Oakwood Avenue." Officers arrived and observed the Fire Department putting out a fire. Officers check the area for the suspects but they were gone on arrival.

The officers investigation revealed that unknown suspects using a possible pry tool pried the hasp off. Suspects entered and pried the hasp from a small door directly to the rear of the building. They entered and ransacked that portion of the building and removed unknown items. Suspects then went back into the main part of the building, ransacked two desks and then removed the telephones by disconnecting them. Suspects then went to work in the front of the building. Suspects then using an unknown tool punched a hole in the face of a timeclock. The time when the clock was stopped is 0144 hours, September 18, 1972. Suspects then went all the way to the front of the business, broke open a coke machine and removed an unknown amount of U.S. coins. Suspects then attempted to arson this section with a magazine but only the magazine burned. Suspects then using a possible tire iron from a vehicle pried a board away from the wall and entered the other half of the building that was being rented by the Nixon for President Committee. Suspects then ueft the building by the point of entry.

Mr. Hamilton. Lieutenant, I would now like to focus your attention on the followup report on this burglary, dated November 18, 1972, and ask you to read the narrative that is contained on page 1.

Lieutenant Hickman. All right. "The above three subjects," and I should define subjects here as the term we use to refer to juveniles as op-

posed to suspects that we use to define adults.

The above three subjects forced entry into the Star City Distributors, 449 North Fairfax and committed burglary and malmischief. During the commission of said burglary subject number one, Jenkins, started a fire in the business office to cover up fingerprints being obtained. Subject one, Jenkins, apparently got caught in the fire and perished before the Fire Department could put the fire out. Investigating officer called to the scene had the deceased subject identified at the LA County Morgue by latent prints and upon identification started checking friends and associates for other suspects. During said investigation investigating officer identified two others involved, arrested them and received a full confession. Investigating officer made a full recovery of property taken from the Star City Distributors. Petitions were filed on subjects one and two for murder, arson and burglary. The crime was cleared by arrest.

Mr. Hamilton. What does the report indicate that was taken from the Nixon offices?

Lieutenant Hickman. The only thing that was reported by the representative from the Nixon offices was \$25 in miscellaneous U.S. currency.

Mr. Hamilton. Mr. Haldeman, before this committee, indicated the Hollywood Nixon office was "blown up by a bomb." Is there any indication in the report that a bomb was exploded at the offices as Mr. Haldeman testified?

Lieutenant HICKMAN. No, sir.

Mr. Hamilton. Mr. Chairman, I have no further questions. I would like to ask that the documents that Lieutenant Hickman has testified from be entered into the record at this time.

Senator Ervin. Without objection, that will be done. They will be

received as exhibits and appropriately numbered as such.

[The documents referred to were marked exhibits Nos. 239 and 240\*].

Senator Ervin. Mr. Thompson.

Mr. Thompson. How many man-hours, police man-hours, were expended on assuring that the demonstration would be peaceful?

Lieutenant Hickman. According to our operation report, a total

of 4,212 man-hours.

Mr. Thompson. How many policemen would 4,212 man-hours involve?

<sup>\*</sup>See pp. 4719-4727.

Lieutenant Hickman. The sum total of that, I believe, was 401 sworn officers and 24 civilians for a total of 425 police department personnel.

Mr. Thompson. Could you make an evaluation beforehand as to the possibilities or potential for violent confrontation?

Lieutenant Hickman. Yes, sir.

Mr. Thompson. What was your evaluation?

Lieutenant Hickman. My evaluation after having several meetings with the demonstrators, was that there was a good likelihood we would experience a peaceful demonstration. However, we were also prepared in the event that things should escalate and not be peaceful.

Mr. Thompson. There is a report here signed by G. N. Beck, commanding officer, which indicates that this event had the potential of

becoming a major confrontation. Would that be correct?

Lieutenant Hickman. Yes, sir; the potential was certainly there. Mr. Thompson. Were you present at the 1967 demonstration? Lieutenant Hickman. Yes, sir.

Mr. Thompson. Could you describe it?

Lieutenant Hickman. Yes, sir; I would have to say that was a violent demonstration.

Mr. Thompson. Could you be a little more specific? Was there de-

struction of property involved?

Lieutenant Hickman. There was, to my knowledge, no real destruction of property, not to an extent at any rate. There was—across the street from the hotel where the majority of the people congregated, some 10,000—was at that time just a large vacant field, today that area is a large entertainment center, so that when the officers in 1967 moved forward to make arrests the people were allowed to disperse through large vacant fields and then on to the various streets so there was no real danger of any large amount of property being damaged and to my knowledge there was no large amount of property damage.

Mr. Thompson. In what way was it violent?

Lieutenant Hickman. Well, it was violent from the standpoint there were numerous attacks on police officers on the part of demonstrators, there were rocks being hurled and other objects such as bottles and sticks. There were, during the arrests processes that took place later on, numerous physical confrontations between police officers and demonstrators.

Mr. Thompson. Did any of the people who were in charge of this demonstration in 1972 participate in the 1967 event also, so far as you

Lieutenant Hickman. You are speaking about part of the demonstrators themselves?

Mr. Thompson. Yes.

Lieutenant Hickman. Professor Kalish takes credit for being one of the prime movers behind the 1967 demonstration and I do recall his name being mentioned prominently during that period of time, and he did indicate to me that there would be many people present at the 1972 demonstration who were there in 1967, and he also advised me that it was certainly not their wishes to repeat 1967.

Mr. Thompson. Did you discuss with Dr. Kalish whether or not there was any McGovern support or assistance in the 1972 demon-

stration?

Lieutenant Hickman. I never solicited him for that sort of information. He did volunteer on many occasions during our conversations that this demonstration was not per se pro-McGovern. He indicated that many of the people there would naturally be in favor of McGovern over Nixon, but they did not want to do anything in this demonstration that would be counterproductive to McGovern's efforts, and he voiced that concern many times. He pointed out that the issue, stop the war and stop Nixon, would, in the minds of many people, be associated with Mr. McGovern.

Mr. Thompson. Did he express the idea that if that turned out to

be a violent demonstration it might hurt Mr. McGovern politically?

Lieutenant Hickman. Most definitely.

Mr. Thompson. Do you recall how many man-hours were involved or how many officers were involved in trying to control the 1967 demonstration?

Lieutenant Hickman. No, sir; I have no access to that information

at this time

Mr. Thompson. You were present—would you say there were more

or less police officers involved in the 1972 demonstration?

Lieutenant Hickman. I would say in 1967 there were probably more police officers. Certainly a more active role.

Mr. Thompson. Why would that be?

Lieutenant Hickman. Well, because of the violent nature of the demonstration. All of our intelligence information during 1967——

Mr. Thompson. You are talking about the officers who came on the scene. I assume you are including some of them after it became violent?

Lieutenant Hickman. We had a large number of officers present in 1967 at the outset because we had every reason to believe it was going to be a violent confrontation.

All the intelligence information indicated that.

Mr. Thompson. All right. I have no further questions, thank you. Senator Ervin. Was there anything to indicate that this violent burglary in the Nixon headquarters, was anything other than just an ordinary run of the mill burglary?

Lieutenant HICKMAN. No, sir.

Senator Ervin. Was there anything indicating that anybody connected with the political campaign of anybody had anything to do with it?

Lieutenant HICKMAN. No, sir.

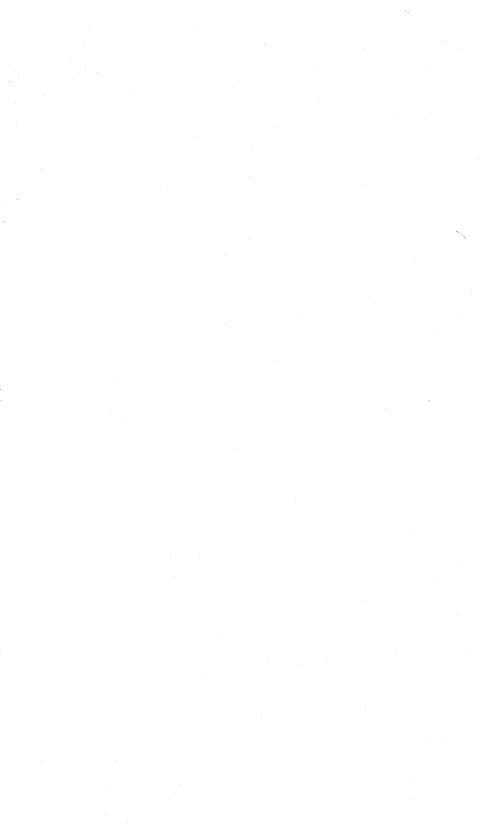
Senator Ervin. That is all.

The committee will stand in recess until 10 o'clock tomorrow.

I want to thank you, and I am sorry I have interrupted your vacation and I hope you will enjoy the rest of it.

Lieutenant HICKMAN. Thank you.

[Whereupon, at 5:10 p.m., the committee recessed, to reconvene at 10 a.m., Thursday, October 11, 1973.]



## THURSDAY, OCTOBER 11, 1973

## U.S. SENATE. SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES.

Washington, D.C.

The Select Committee met, pursuant to recess, at 10:05 a.m. in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr., chair-

Present: Senators Ervin, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; Marc Lackritz, James C. Moore, Ronald D. Rotunda, W. Dennis Summers, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Howard S. Liebengood, Michael J. Madigan, and Robert Silverstein, assistant minority counsels; Jed Johnson, investigator; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; and Michael Flanigan, assistant publications clerk.

Senator Baker [presiding]. The committee will come to order. The chairman was called away on official business and asked me to reconvene the hearing and proceed. He will be able to rejoin us later in the

morning, I understand.

Would counsel call the first witness? Mr. Dash. Mr. Richard Steams.

Senator Baker. Stand and be sworn, please. Would you hold up your right hand? Do you swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Stearns. Yes, I do. Senator Baker. You may be seated; counsel will proceed.

Mr. Dash. Thank you, Mr. Chairman. Mr. Terry Lenzner, assistant chief counsel, will initiate the questioning of this witness.

Mr. Lenzner. Mr. Stearns, do you have counsel?

Mr. Elliott of the Philadelphia bar.

Mr. Mannino. Edward F. Mannino.

Mr. Lenzner. Mr. Stearns, do you have a statement you would like to read? Would you go ahead and proceed to read that, please?

## TESTIMONY OF RICHARD G. STEARNS, ACCOMPANIED BY EDWARD F. MANNINO AND JOHN M. ELLIOTT, COUNSELS

Mr. Stearns. Thank you very much.

Mr. Chairman and members of the committee, I would have appreciated the elementary courtesy of reasonable notice in advance of this appearance because I would have preferred to prepare a comprehensive statement for the committee. The subject you have been charged to examine is critical, and it deserves the best reflection and

insight any witness can offer.

Mr. Buchanan complained that this was difficult, despite having all the resources of the White House at his disposal, because he was given only 6 days to prepare. But as at least some of you are aware, I was notified of this request to appear less than 24 hours ago, in the course of an oral presentation to one of the classes at Harvard Law School where I am a student.

In recent weeks, the press has reported that some of the committee staff has been engaged in a fishing expedition for a partisan purpose—to absolve the outrages of the most corrupt Presidential campaign in American history by finding something—anything—no matter how insubstantial, in order to place blame on a Democratic campaign which sought honestly and decently to provide a different kind of national leadership.

Yesterday a hired liar for CREP, a self-serving Republican expert on so-called Democratic dirty tricks, went so far as to defame the memory of Senator Robert Kennedy by implying that Senator

Kennedy was the inspiration for his contemptible conduct.

It is perhaps revealing that no one on this committee had to strain at figuring out who among the Nixon campaign to subpena, or what questions to ask them. The scandal there was pervasive. The abuses screamed for attention and correction. Nothing could any longer conceal the crimes and the coverups. The problem was not whether there was an excuse to start an investigation, but whether there was any way to end it.

Now, some of those who have been forced at last to face the beam in one party's eye are searching to find a mote in the other party's eye.

This is not the appropriate exercise of a power that was supposed to reach beyond partisanship in order to renew the principles we all

profess. More than that, it is a profound disservice.

First, it is a disservice to the facts. The McGovern campaign was founded not on dirty tricks, but on the truth. In 1972 we made mistakes, but we did not commit crimes. Let me list some of the things we did not do. We did not tap any telephones. We did not burgle any offices. We did not hire any demonstrators. We did not employ any spies. We did not refuse—indeed, we welcomed the opportunity—to disclose the sources of our financing. We never solicited, we never took—and we never expected—an illegal corporate contribution. We never committed perjury, or asked anyone to commit perjury for us. We never manipulated or debased the FBI, the CIA, the Secret Service, or the Justice Department. We never considered a firebombing or the enlistment of prostitutes to compromise the opposition or anyone else, or even kidnaping those who saw the world differently than we did. We were beaten, but we were not dishonored. And the attempt to find fault where there is none, to lay blame where it does not belong, to whitewash the guilty by blackening the innocent, is a pathetic piece of political gamesmanship.

And let me tell you some of the things we did do. We were honest about who was paying for our campaign and about the principles and programs for which we stood. We were open and frank with the press and the American people. We invited the scrutiny of everyone, at times to our disadvantage—and I welcome such scrutiny now; but not the innuendoes and slanders which are the last refuge of those who cannot acquit themselves except by accusing others. I believe that when this committee's work is done, when the last witness has been heard and the final recommendations are written, you will call for the kind of honest

and decent politics George McGovern practiced in 1972.

Second, unfounded attacks on Democratic integrity are a disservice to the Republican Party. It is not necessary for Republicans to prove that Democrats are just as bad. For the truth is that most people in both parties have held to high standards of conduct. Republicans and Democrats alike have waged fair fights in most campaigns at every level. Indeed, most of those who thought last year the President's reelection was right did nothing in that cause which any of us would regard as wrong. They voted to reelect the President, not to bug the Democratic National Committee.

Finally, it is a disservice to the Nation to imply that all politics is as bad as a few men made it in 1972. I have not been long in politics—only 5 years; but I have met many people and politicians from the grassroots to the Senate, in both parties, whom I proudly call my friends and who, I believe, give constant witness to the ideals of the American system. This committee at its best exemplifies politics at its best. And the worst disservice now would be to convince the Nation that this cannot be—that the political process is inevitably degraded and unworthy. For that does not save Republicans or the administration. It not only slanders Democrats, it unjustifiably strains the faith of the American people in the American system.

Mr. Chairman, in these last months, you have heard—and all of us have seen—a record of sabotage and slander unprecedented in American history. I experienced personally some of that slander last year. The facts are different from the fiction which was widely promoted.

In 1967, I signed a newspaper appeal which endorsed the Middle East policy that was subsequently supported by the United States and adopted by the United Nations. At that time, I favored what the Nixon administration once hailed as an evenhanded policy in the Middle East. I consistently advocated that policy, in a responsible way, until the outbreak of Arab terrorism and the escalation of Soviet intervention convinced me that I was wrong. My earlier position was no secret. It was publicly expressed at the time, as was my current position during the 1972 campaign.

Despite that, the most outlandish and outrageous smears were spawned and perpetuated by the Committee To Re-Elect the President. For example, the committee's publicist, Mr. Devan L. Shumway, spread a rumor among the press that I had been a guerrilla leader in Al Fatah. It hardly merited the denial it deserved, but it was dangerous and vicious slander. Finally, I called my friend Patrick Buchanan, and Mr. Shumway, at least, was apparently restrained.

Yet, what I resented most was not the unfounded attack on me, but the implication that views I never held, in years already past, were the views of George McGovern in 1972. Certainly Senator McGovern's position was well and widely stated. Yet CREP wanted to take the views they had created for me and make them his. By the same logic, we could conclude that Mr. Colson's alleged plan for fire-

bombing the Brookings Institution proved that President Nixon was the new mad bomber. I think we have experienced too much of such logic. We have heard too many unscrupulous smears. We have seen too often men who should have served their country but shamed it instead.

We need no more forged cables, no more inoperative coverups, no more smears against good and decent citizens—among them an assassinated President—who seek only to do what they believe is right for their country—whether they are Democrats like Senator Humphrey, who was accused of sexual misconduct, or Republicans like Senator Weicker, who was accused of campaign financing abuses.

In my view, we need instead to remember the words of Edmund

Burke:

I am aware that our age is not everything we wish it to be, but I am convinced that the only means of checking its degeneracy is to concur heartily in whatever is best in our times.

For me, in 1972, George McGovern represented what was best for our times. Not all of you agreed, and obviously millions of voters disagreed. But at least I am confident of this much—that the McGovern campaign kept faith with what is best in the American political tradition.

Mr. Lenzner. Thank you, Mr. Stearns.

Mr. Stearns, you indicated in this statement some surprise about being called, and I would like to set the record straight on that, if I can.

Our records reflect that you were first interviewed at the request of the majority staff, Mr. Moore and Mr. Rowe; and also Mr. Shure of the minority staff was present, on September 18 of this year, is that correct?

Mr. Stearns. That is true.

Mr. Lenzner. And you were served at that time with a subpena, a copy of which I have here, to produce certain documents, is that also correct?

Mr. Stearns. No; I was not served with a subpena at that time.

Mr. Elliott. Mr. Lenzner, if I may, so the record is clear on this, Mr. Stearns appeared in executive session on October 3 at which time he was tendered a subpena when he was sworn in. He had conversations with two members of your legal staff prior to that time with no subpena tendered until he was here last week for the October 3 hearing in executive session. At that time he was examined and asked to produce his analysis of Senator Muskie's campaign—Senator Muskie's voting record, which was supplied to the committee.

Mr. Lenzner. I understand that. But I have here a subpena and I don't want to belabor this. The return is dated September 18; Mr. Moore signed it and indicated that he served it on the 18th of

September.

Mr. Elliott. That was never served.

Mr. Stearns. I was served two separate subpenas; the first occasion was when I concluded the executive hearing and I accepted it. I was then served a second subpena at my interview in the executive committee on October 3.

Mr. Lenzner. So you were served a subpena prior to October 3?

Mr. Stearns, Yes.

Mr. Lenzner. And on October 3 you were sworn in by Senator Inouye and you answered questions on that occasion also?

Mr. Stearns. Yes, I did.

Mr. Lenzner. And between the September 18 and the October 3 interviews you also, as I understand it, called one of your former staff aides to discuss the incidents you were being interviewed on.

Mr. Stearns. Yes; I was informed by the counsel who asked me to appear at the original session that this was an area of interest to the

 $\hat{\text{committee}}$ 

Mr. Lenzner. But you were on some notice then going back to September 1?

Mr. Stearns. I am not objecting----

Mr. Lenzner. To the possibility you would appear here—right?

Mr. Stearns. Yes; I am not objecting to appearing before the committee. I am objecting to appearing on what was originally 2 hours' notice which my counsel extended to 16 hours. I was not sure the committee was ever going to have me appear or not. I have not seen my name on the list of witnesses in the last 2 or 3 days.

Mr. Lenzner. All right.

Now, Mr. Stearns, as I understand it you were with Senator Mc-Govern's campaign prior to the convention and after the convention. What was your specific assignment and position after the convention?

Mr. Stearns. Prior to the convention I was initially director of research and then director of the Senator's campaign in the States which did not hold Presidential primaries. After the convention, there was a general reorganization of the campaign and I was assigned as director of what was called the western region which included the 19 States west of the Mississippi River. This is a position which I functionally occupied until approximately the end of September, at which time my attention shifted primarily to the campaign in Pennsylvania.

Mr. Lenzner. And was California one of the States that you were

responsible for after the convention for that period of time?

Mr. Stearns. California is among the States west of the Mississippi River: ves.

Mr. Lenzner. Now, in September of 1972, you did make a trip to California. Prior to that trip, were you aware that there was a problem in the California campaign with regard to some peace groups?

Mr. Stearns. No; I was not aware there was a problem in the campaign with regard to peace groups. I was aware there was a problem in the internal administration of the campaign. My reason for being in California on that day was an attempt to negotiate—in fact, an attempt to recruit a new campaign director for the southern California operation.

Mr. Lenzner. Who was the campaign director at that time?

Mr. Stearns. Mr. Fred Taugher.

Mr. Lenzner. Prior to the time you went to California, however, did you not receive a petition from people involved in Senator McGovern's campaign raising certain issues about the campaign?

Mr. Stearns. Yes; but to the best of my recollection, that petition

mentioned nothing about a peace group.

Mr. Lenzner. Did it phrase implications in your mind that there was concern over whether Senator McGovern and the campaign were adhering to a strong policy on Vietnam and in the peace area?

Mr. Stearns. No; it did not. The petition related to internal—in fact, most of it, as I recall, dealt with difficulties in the literature-distribution system; mostly complaints about the administrative man-

ner in which the campaign was being conducted.

Mr. Lenzner. Yesterday, you were interviewed, and you indicated at that time that it raised questions about the grassroots quality of the campaign. You indicated also, I believe, that that indicated to you that there was some concern about the strength of commitment for peace in the campaign.

Mr. Searns. No; I believe that you construed that as one of the things that grassroots might mean. One can speculate as to what grassroots might suggest on any number of issues. That could be one of them. But I am sure that was not speculation that I made at the time.

Mr. Lenzner. Our recollection differs on that.

When you arrived in California, were you briefed by anybody in the campaign concerning problems with the peace groups and the

campaign?

Mr. Stearns. No; not on my arrival. Again, let me make perfectly clear that my reason for being in California dealt with an internal administrative problem within the campaign organization. There was no other purpose for my trip there. My only objective was to interview a gentleman whom I was attempting to recruit, and did recruit eventually, as a new southern California campaign director. The only suggestion—well, that really answers the question, I think.

Mr. Lenzner. Did there come a time when you were out there that you did enter into discussions with people about a possible demonstra-

tion with these groups?

Mr. Stearns. Yes, there was. As I recall, this was a very quick trip to California. By that time, I was somewhat occupied with other matters and hoped to settle the internal difficulties in the campaign as

quickly as I could.

As one of the courtesies that I did, as I did in most States that I visited, I dropped by the Los Angeles—I am sorry, the southern California headquarters, which were on Wilshire Boulevard in Los Angeles. At that time my liaison with the California campaign asked if, for morale purposes, I would tour through the offices and shake hands with the campaign workers who were there.

Mr. Lenzner. Did you have a discussion at that time about a possible

demonstration coming up?

Mr. Stearns. In the course of that tour of the headquarters, I met a lady who was apparently involved in or had attended the organizing meeting of the demonstration that you are referring to.

Mr. Lenzner. And who was that?

Mr. Stearns. Well, I do not recall her name. Mr. Lenzner. Who introduced you to her?

Mr. Stearns. Mrs. Jo Seidita, the California national committee-woman.

Mr. Lenzner. Who was present at that conversation?

Mr. Stearns. To the best of my recollection—is this the conversation with Jo Seidita or the conversation regarding the demonstration?

Mr. Lenzner. Is there a difference?

Mr. Stearns. There was. I met Jo Seidita first, and then I met the woman whose name I don't recall.

Mr. Lenzner. What discussion did you have with Seidita?

Mr. Stearns. When I met her, we conversed for a minute about the campaign. She asked if I would then meet this woman.

Mr. Lenzner. Did she indicate to you why she wanted you to meet

this other individual?

Mr. Stearns. I don't recall that she did; no.

Mr. Lenzner. Yesterday, I believe, you indicated that you thought you got a quick briefing from her as to why she wanted you to meet this other individual, and that was because of the other person's concern over the commitment of the campaign for the peace movement.

Mr. Stearns. No; I think your recollection of our conversation yesterday is faulty. I said that Barbara MacKenzie, who was conducting my tour through the headquarters, had told me that she thought Mrs. Seidita had someone she wanted me to meet, who was involved in some liaison capacity with the peace movement.

Mr. Lenzner. Did MacKenzie indicate that there was some concern

over the peace movement?

Mr. STEARNS. I don't think so; no.

Mr. Lenzner. What conversation did you have finally with Seidita and the other individual concerning the possible demonstration?

Mr. Stearns. Now, are you asking for my best recollection of what

occurred at this?

Mr. Lenzner. That is correct.

Mr. Stearns. My best recollection is that I was introduced to this other woman. She then explained to me that a coalition of peace groups in Los Angeles was organizing a demonstration, a peaceful assembly, to coincide with the President's address, I believe on the 27th of September, at the Century Plaza Hotel. To the best of my recollection, this is the first occasion on which I was even aware that the President planned a trip to the Century Plaza Hotel in Los Angeles at that time. I asked her the normal sort of courteous questions that you ask when you fill in the role of a visiting dignitary—asked her about the character of the demonstration. I am sure I asked her how many people they expected. I might have even asked her where the Century Plaza Hotel was, since I had no idea—and still don'twhere it was.

She then asked me if I had any objection to members of the Mc-Govern campaign staff attending the demonstration. I said "No," that no one sacrificed any first amendment right when they went to work for a Presidential candidate; that if they chose as a matter of conscience to participate, to attend, I had no objection to that. That is my recollection of the conversation.

Mr. Lenzner. Do you remember who else was present?

Mr. Stearns. To the best of my recollection, Mrs. Seidita was present; this lady I was in discussion with was present; my liaison for southern California, Barbara MacKenzie, was present, and I was present, of course.

Mr. Lenzner. You don't recall Fred Taugher being there?

Mr. Stearns. I do not recall Fred Taugher being present there. Mr. Lenzner. Did this other individual, in your presence, request

the campaign to provide any assistance for the demonstration?

Mr. Stearns. To the best of my recollection, no.

Mr. Lenzner. Did this other individual indicate that she and others were concerned about the commitment of the campaign to the peace movement?

Mr. Stearns. I don't recall that being specifically said; no.

Mr. Lenzner. Or that the McGovern campaign was giving up the peace issue?

Mr. Stearns. I don't think she made a statement to that effect; no.

Mr. Lenzner. Let me read and see if this refreshes your recollection from your executive session of October 3, 1973. Mr. Liebengood asked you, concerning this conversation: "What did they ask you?"

And you answered, "Well, as I understand the circumstances, this

lady was"—this is at page 49 if you have a copy.

Mr. Mannino. Counsel, we don't. We requested one.

Mr. Elliott. We requested a copy and were told we would be supplied one

Mr. Lenzner. Page 49. [Reading:]

Mr. Stearns. Well, as I understood the circumstances, that this lady was very interested in what you might call the peace movement in Los Angeles and she was concerned that the McGovern campaign was giving up the issue of peace in the fall election. I realize this is hard to imagine, but nonetheless, this was her concern.

Now, was that expressed during that meeting?

Mr. Stearns. I said I don't specifically recall it being. It may well have been. I don't recall it being expressed. There are any number of opportunities I would have had to come across this. This might be my speculation as to why she was interested in making a presention on the demonstration. Barbara MacKenzie may have suggested it to me; Jo Seidita may have suggested it to me. I don't see that it is a particularly surprising conclusion.

Mr. Lenzner. But that was your understanding when you testified

under oath on October 3.

Mr. Mannino. I think it should be clear on page 49 of this transscript that what Mr. Stearns is talking about is not in the context of what Mrs. Seidita said to him but rather what his understanding was.

You quoted part of it. Let's quote the whole thing, starting at line

13:

Well, as I understand the circumstances, that this lady was very interested in what you might call the peace movement in Los Angeles and she was concerned that the McGovern campaign was giving up the issue of peace.

This is in the context of what he was told. I think your question was

what was Mrs. Seidita telling him.

Mr. Lenzner. I read that part of it, but the prior pages indicate that Mr. Liebengood was asking about the meeting—that prior questions indicated he was asking questions about who this other individual was that Mr. Stearns had met with.

The prior question is: "And what did they ask you?"

This is his response to that question: "What did she ask you?"

Mr. Elliott. And he answered, "As I understood the circumstances," if you will read on page 13, as Mr. Mannino pointed out.

Mr. Lenzner. Exactly. And that is his answer to that question.

By the way, what was the policy of the campaign at that time as to using campaign resources for demonstrations?

Mr. Stearns. I think the policy of the campaign toward demonstra-

tions--

Mr. Lenzner. Using resources to aid demonstrations?

Mr. Stearns. I think as a general policy, we discouraged it. I think everyone knew the Senator's view of demonstrations. As I recall, as early in the campaign as 1970, he made clear that he did not see that violent demonstrations served the principles or issues in which he strongly believed. I think that was the policy that was generally understood by everyone in the campaign.

I should point out, however, that we are talking now about a constitutionally protected right that people have. But I would say that, specifically, it was not a policy to lend resources to demonstrations—

certainly never a policy to organize a demonstration.

Mr. Lenzner. I think you also indicated yesterday that there was some concern over the political impact that might result if the cam-

paign was linked to a demonstration, violent or nonviolent.

Mr. Stearns. I think that would occur to anyone in the tactical situation. Yes, the Committee To Re-Elect the President was doing everything it could to paint George McGovern as an irresponsible, violence-prone, drug-addicted fiend. Naturally, we didn't want to do anything to reinforce any impression, any false impression, that was in the public's mind about the Senator; and clearly, being linked to a violent demonstration couldn't possibly serve the best interests of our campaign.

Mr. Lenzner. Did you inquire from any of the individuals during that discussion as to what groups were going to participate in the

demonstration?

Mr. Stearns. No ; I didn't.

Mr. Lenzner. Did you issue any instructions to insure that the campaign would not provide resources to assist in that demonstration?

Mr. Stearns. To the best of my recollection, I didn't.

Mr. Lenzner. You have discussed, as I think you have indicated to us—between your first interview on September 18 and your executive session on October 3, you did discuss this meeting with Mrs. Mac-Kenzie; is that correct?

Mr. Stearns. That is true.

Mr. Lenzner. Can you recall now her recollection as she told it to

you of what happened at that meeting?

Mr. Stearns. Yes; I think my description of what her recollection was is clear in the record from both the executive session and the interview. The first time I discussed it with her, her best recollection—I think if you are interested in her best recollection she is the one to ask for it.

Mr. Lenzner. We have talked to her.

Mr. Stearns. Right. Her best recollection at first was that, no, the issue of campaign resources did not come up at the meeting. I asked her again to recount her recollection before I came to the interview. I called her to tell her that the issue was that I had been instructed to inform her by counsel that I had used her name. She said then that she had thought about it further and thought that perhaps a question about the telephone bank may have been brought up during that meeting, but if it was, she is sure that I said "No."

Now, that is my recollection of her recollection.

Mr. Lenzner. I understand that, but did she also tell you that she had advised you, prior to the discussions with this individual you met

in September, that they were going to ask you about the demonstration and the use of resources and she advised you to sidestep that issue?

Did she not also say that to you?

Mr. Stearns. She may have—the recollections are now so far removed.

Mr. Lenzner. That is what you said under oath on October 3.

Mr. Stearns. Well, that must have been my recollection then; yes.

Mr. Elliott. Counsel, I realize that you are not constrained by the hearsay rule here, but I would ask you respectfully to break your questions down into answerable questions. You are asking multiple questions that are difficult to answer.

Mr. Lenzner. Well, did she advise you prior to the time you met with this group out there that you were going to be asked about the use

of resources for this demonstration?

Mr. Stearns. If I said that is what I recalled from the conversation I had had with her prior to the executive committee meeting, and that is what I said on October 3, that must have been my best recollection at the time; yes.

Mr. Lenzner. Do you recall now that that is what happened prior to

the time you met with this other individual?

Mr. Stearns. No; I do not think I would have recalled that or I

would not have asked her in the first place for her recollection.

Mr. Lenzner. Would it not seem natural, Mr. Stearns, if they were discussing a demonstration with you, if they also were seeking to use the resources of the campaign, they would have sought that aid from

you 🛚

Mr. Stearns. No; because I think you have to go back to a fundamental understanding about the McGovern campaign. Our campaign was one which was premised on the autonomy of each local State organization. Now, in California, for all effective purposes, there were two State organizations: one which ran the campaign in the South, another which ran the campaign in the North. I did not have administrative authority within the campaign; I certainly had authority over general issues, general policy, at least up to the time I was involved with the Western States—that is, up to the end of September. I certainly had a dignitary's capacity everywhere I went. I was initially responsible for organizing and recruiting the campaign staff to whom authority was given to manage the campaign. But I do not think at any time in any visit that I ever made to any one of our campaign headquarters in any of those 19 States I would have ever presumed to take the authority or presume that I had the authority to make administrative decisions about the disposal of equipment or material within a headquarters.

Our campaign just did not operate that way. We dealt largely with fiercely independent volunteer workers or paid workers whose interest—ours was just not as well disciplined an organization as the

CREP's was.

Mr. Lenzner. Are you suggesting now, though, that if you were present during the discussion where it was indicated that action was going to be taken by a local campaign headquarters, it was clearly against the policy of Senator McGovern, clearly against the policy of the headquarters office, was going to cause tremendous possible political damage to the campaign, that you would not have taken any steps to stop that action?

Mr. Stearns. This is a highly—what incident are you talking about? This is a highly speculative question. I do not recall anyone proposing to me that we were going to take any steps that were going to cause violent damage to the campaign, that were going to violently break any policy. You are suggesting something to me that just did not

happen in the campaign.

Mr. Lenzner. Mr. Taugher testified yesterday that you were present at a discussion when the use of campaign resources was discussed, and specifically, the phone banks were going to be used to assist in this demonstration. If that had happened, if there had been violence in that demonstration, that could have caused, I take it, some damage to the campaign, that it would have been tied, as it was tied, to the McGovern campaign headquarters.

Mr. Stearns. Let me say this. I have lost count of the number of

"ifs" in your question. I do not recall any of these violent—

Mr. Lenzner. You asked me to give you an example. I just gave you an example based on Mr. Taugher's testimony yesterday.

Mr. Stearns. Mr. Taugher has given you his best recollection; I have

given you my best recollection.

Mr. Lenzner. I am saying, in that specific instance, if Mr. Taugher's recollection is correct. Are you saying now if you had been there, you would not have taken any steps to stop the use of those resources?

Mr. Stearns. I was never in any situation where, to the best of my

recollection, that was posed.

Mr. Lenzner. And you do not want to answer it now?

Mr. Stearns. You are talking about a completely hypothetical circumstance that I was not confronted with. I do not think my role here as a witness is to be led into hypotheses of what could have happened. The purpose of the committee is to——

Mr. Lenzner. And Mrs. MacKenzie's testimony is that you were present at that discussion, and Mr. Taugher testified that you were

there.

Mr. Stearns. I am not testifying to Mr. Taugher's recollection. I am only recollecting Mrs. MacKenzie's recollection. I am only testifying to what I recollect—what I know.

Mr. Lenzner. Did you later learn that such a demonstration had taken place and that the campaign resources were used to assist it?

Mr. Stearns. Some time in October, I was mailed a copy of an article in the Los Angeles Times which described the demonstration that did take place, and a copy of a Los Angeles Times editorial entitled, "A Demonstration of Maturity," which concluded: "The demonstrators demonstrated that a protest can be peaceful; the police demonstrated that it is possible to maintain order without force. Welcome civility." This is not something that alarmed me terribly.

Mr. Lenzner. But the reports also indicate that the campaign resources had been used to aid that demonstration and, in fact, that was

an issue in California at that time, was it not?

Mr. Stearns. As I recall, what I saw was a very short article which I think was in the Los Angeles Times, sometime in October, which said that the telephone banks in the McGovern headquarters had been used, not by McGovern personnel, I think, but by people outside of the campaign for a brief period of time, and then they had been told to stop.

Mr. Lenzner. After you read that, did you discuss that incident with anybody at all in the McGovern campaign, either in Washington or in California?

Mr. STEARNS. No, I did not.

Mr. Lenzner. Did you take any steps to insure it would not happen

again either in California or anywhere else in the country?

Mr. Stearns. No; it appears steps had been taken and the issue you were talking about was a perfectly peaceful assembly which I understood was a constitutionally protected right of citizens.

Mr. Lenzner. I understand that, but the use of resources of the demonstration was clearly against the policy of the campaign; so this

was a violation of the policy of your headquarters, was it not?

Mr. Stearns. So what? The article that I saw suggested that it had been put to a stop. It did not appear there had been any great harm done. I do not recall it as being any major burning issue. It only became a burning issue, as I recall, when the CREP attempted to make it one; and I do not think at the time anybody thought it was a horrendous and horrible thing that had taken place.

Mr. Lenzner. Mr. Taugher testified he thought a peace demonstra-

tion would be beneficial to this McGovern campaign.

Mr. Stearns. That was Mr. Taugher's opinion.

Mr. Lenzner. Did you discuss that issue with him at any time?

Mr. Stearns. Not at all.

Mr. Lenzner. Mr. Chairman, that is all the questions I have.

Senator Baker. Thank you, Mr. Lenzner.

Mr. Thompson.

Mr. Thompson. Pardon me; could I have my copy of the transcript? I have a couple of places marked there.

Mr. Dash. We will exchange the transcript with you.

Mr. Thompson. Mr. Stearns, you refer on page 2 of your statement: "I welcome scrutiny now, but not the innuendoes and slanders which are the last refuge of those who cannot acquit themselves except by accusing others." What innuendoes and slanders are you referring to?

Mr. Stearns. I am referring principally to the testimony that I heard Mr. Haldeman give before this committee in which Mr. Haldeman, as I recall, implied in his characterization, I think, of what Mr. Segretti was supposed to do—implied that Democratic candidates had engaged in things like violent disruptions, demonstrations, heckling, shouting, obscenities, trashing of headquarters, firebombings, stabbings of police officers, and so on. Well, that essentially was the larger smear against our campaign I was talking about. Minor smears of the campaign were mounted against me in 1972—attempting to impugn Senator McGovern's position on the Middle East by imputing to him a position that I did not hold on the Middle East.

Mr. Thompson. You refer on page 1 of your statement to newspaper accounts of some of committee staff engaging in a fishing expedition in order to place blame on the Democratic campaign, which sought honestly and decently to provide a different kind of leadership. Do you resent your being called before this committee, Mr. Stearns?

Mr. Stearns. No. I am here as a voluntary witness. Would you like

me to expand on what I resent?

Mr. Thompson. Yes, I would.

Mr. Stearns. What I resent is the equilibrium of the situation. As I understand the thrust of the assistant majority counsel's questioning—the thrust of his questioning is this: That perhaps a few telephones in California were used in disputed circumstances for a brief period of time to recruit people as a matter of conscience to participate in an utterly peaceful assembly; and that perhaps as many as 1,000 leaflets, as I gather from Mr. Taugher's testimony yesterday, were placed on 50 tables in 50 diverse locations in Los Angeles.

Mr. Thompson. Do you agree with that part of Mr. Taugher's

testimony?

Mr. Stearns. No; I do not agree with that. I am saying that on the basis of what he said. I say, at best in disputed circumstances, that might have been what had happened.

Mr. Thompson. What circumstances?

Mr. Stearns. Somehow this is being equated with the kind of things I referred to earlier.

Mr. Thompson. Who is equating that with the kind of things you

referred to earlier?

Mr. Stearns. I think the manner in which this presentation is being made.

Mr. Thompson. How is the presentation being made as to equate it with the kind of things you were talking about 1 minute ago?

Mr. Stearns. I think by inference. Here are the Democrats——Mr. Thompson. By whose inference? Have you read the resolution

that set this committee up?
Mr. Stearns. No, I have not.

Mr. Thompson. Do you not think it would be appropriate to find out what the mandate of this committee is before you make charges against this committee and partisanship on the part of the staff?

Mr. Stearns. No; I do not.

Mr. Thompson. You realize that this resolution requires this committee to look into the campaign activities of 1972 and that the Democrats are no more immune than the Republicans, and Mr. Dash and Mr. Lenzner agree with that principle?

Mr. Stearns [conferring with counsel]. I am sorry, would you state

the question again?

Mr. Thompson. No, I would not. I think you understand the question. I would ask you whether or not you know why you are here today. Do you feel it was a partisan effort on someone's behalf to bring you here today to equate the use of the phone bank with bombings and lootings and things of that matter?

Mr. Stearns. Yes; my conviction is that is so.

Mr. Thompson. You think that is a partisan effort?

Mr. Stearns. Yes.

Mr. Thompson. In what way?

Mr. Stearns. I think this is an attempt to equate a minor disputed incident with the revelations that this committee has brought before the public over the past——

Mr. Thompson. In what way is it partisan? You answered "Yes"

when I asked you.

Mr. Stearns. I think there is a basic premise, and Mr. Haldeman——Mr. Thompson. You can elaborate on that if you wish at a later time but I am talking about, from the standpoint of partisanship, your being

called to testify about this particular matter and I assume this has to do with the committee. If you would be more specific with that, I would appreciate it.

Mr. Stearns. It is my belief there is an attempt to make an equation.

Mr. Thompson. By whom?

Mr. Stearns. There is an attempt by some members of the staff of this committee.

Mr. Thompson, Who?

Mr. Stearns. I am not here to make specific—

Mr. Thompson. I am asking you to be specific. You have leveled these charges. I did not bring them up; you put them in your statement, Mr. Lenzner-

Mr. Stearns. They are my firm belief. I am not here to namecall.

Mr. Thompson. You are not here to name call.

Mr. Stearns. No.

Mr. Thompson. Well, you already called a few. Mr. Stearns. No, I did not call anyone any names. In fact, I have said, and I think I made clear in my statement, that one of the things I appreciate most about politics is the opportunity to meet people from both parties who I think represent the highest standard of conduct, the highest standard of principles of politics this country should represent. I am not a professional politician but one of the attractions to me in a political campaign has been the opportunity to meet the kind of people I have met. I think generally politics is a decent profession in this country. It is a profession that I would like

to see represented in the best possible light.

Mr. Thompson. I agree with all those sentiments. Can we get back to the question at hand? As I said, you stated in your statement here that you gave—that the committee staff is on a fishing expedition to blame the Democratic campaign which sought honestly and decently to provide a different kind of national leadership. You refer to innuendoes and slanders; you refer to unfounded attacks on Democratic integrity. Now, here is your opportunity, Mr. Stearns, if you want to be a little more specific than that as to where the partisanship comes in, why you have a right to resent, if you do, being called here as many, many other people have been called and on much more notice, as a matter of fact, than many other witnesses have had.

Mr. Elliott. Mr. Thompson, on the notice issue, I got a call at approximately noon on Tuesday. I reached Mr. Stearns in his law school class at about 4 o'clock on Tuesday, this week. He was asked to be down there Tuesday evening and we were down here at 9 o'clock Wednesday morning, and you know by the new math or the old math that is less than 24 hours and less than the guidelines set forth in the Senate resolution. We, as a matter of courtesy, got down here and gave

our best recollection of the events we were questioned on.

Mr. Thompson. It is my understanding that a subpense had been issued at the time the staffers had negotiated with you and agreed to hold off. That is correct, as a matter of fact, is it not, and can be substantiated if need be—but a subpena had been issued and we withheld the subpena in order for you to bring him in voluntarily to avoid the stigma of having been subpensed.

Mr. Mannino. That is not true—completely untrue. Mr. Stearns is

here voluntarily.

Mr. Thompson. I am not saying there is any question about his voluntarily appearing.

Mr. Mannino. What was the basis of your recollection that we were being subpensed, and out of the grace of your office withheld the subpens? That has never been said to either Mr. Elliott or myself.

Mr. Thompson. I am not concerned as to whether or not it had been said, I am stating as a matter of fact that, although you never disagreed or you never stated that you would not voluntarily come, as a matter of what the staff was doing, that a subpena had been issued, but it was not served at your request.

Mr. Mannino. That is not true. It was not served because there was no need to serve and we never requested that you not subpena him. What we said was we would provide Mr. Stearns; there would be no necessity to subpena. We said nothing about withholding a subpena.

Mr. Thompson. You did not request we not subpena him. You said

it would not be necessary to subpena him, is that correct?

Mr. Mannino. We said Mr. Stearns would be down here. No one raised the question of subpena with him and he is here and he is voluntarily—and we resent the impression he is not here voluntarily. You have subpenaed a lot of people and you have not had to subpena Mr. Stearns,

Mr. Thompson. I am talking about Mr. Stearns' treatment and that

which anyone else has received, and I see no difference, frankly.

I refer to page 2 of your statement where you say, "We were open and frank with the press and the American people." I don't wish to equate some of the things we are talking about now to some of the things you were talking about before. Obviously there can be no equation. I think it is just as obvious that there have been major wrongdoings. I would not think that that would be any excuse, under any sort of legitimate or political philosophy, to excuse minor wrongdoings if they are such.

Mr. Stearns. I must object to the use of the term "wrongdoing."

I am not sure what wrongdoing you are alluding to.

Mr. Thompson. Would you say there would be no ethical considerations in organizing or assisting in the organizing of demonstrations such as the one at Century Plaza?

Mr. Stearns. I know of no demonstration that was organized by any

McGovern campaign.

Mr. Thompson.-That is not what I asked you, Mr. Stearns.

Mr. Stearns. No, I think you were talking about a protected constitutional right.

Mr. Thompson. Of course.

Mr. Stearns. I know nothing that would suggest it was wrongdoing; I would not personally do it.

Mr. Thompson. Would you say there would be ethical considerations

 ${
m involved}~$ 

Mr. Stearns. I think in almost any decision one makes in his life there are ethical considerations involved. I don't see it as a wrongdoing.

Mr. Thompson. If there is no question about the propriety of it, I assume there would be no ethical considerations involved, would there?

Mr. Stearns. You have lost me.

Mr. Mannino. I don't think we heard the question, Mr. Thompson; would you repeat it?

Mr. Thompson. Would you say there would be ethical considerations involved in organizing a demonstration of this sort?

Mr. Stearns. I know of no demonstration organized by the Mc-

Govern campaign.

Mr. Thompson. That is not what I asked you, Mr. Stearns. We have got direct conflict between your testimony and Mr. Taugher's testimony on a material point. Your motivation and your attitude toward the matter as well as our specific recollection, I think, is relevant.

Mr. Stearns. No; you don't have a direct material conflict. You have different recollections that Mr. Taugher and I have given. I would like to go back to what I said earlier. This meeting was not the reason that I was in Los Angeles. It was a minor, incidental event in a much more important day for me. I was accomplishing a much more important matter. Frankly, I did not remember this meeting—at least since the campaign—until it was mentioned to me by one of the assistant counsels when I first appeared here for a staff interview.

Mr. Thompson. Do you think that if you had a discussion of this matter with regard to the use of McGovern phone banks—you said a few phones, I believe the testimony was 12 to 15 phones; you say for a limited amount of time, I believe the testimony was 2 days. You said it was shut down, I believe the testimony was it was shut down only because Senator McGovern was coming to town and needed the phones.

Mr. Stearns. This is not my testimony. This is my recollection of the newspaper article I read which gave an account of what happened.

Mr. Thompson. All right. If you had sat through a conversation like that, involving a matter which evidently according to you, would be contrary to at least your policy and your understanding of the policy of the McGovern campaign, and then shortly after that conversation had read in the newspapers about the phone banks being used, whether or not you approved of it, do you think that would be something that you would remember?

something that you would remember?

Mr. Stearns. To the best of my recollection, I was never in a meet-

ing in which the incident that you are talking about happened.

Mr. Thompson. Would that not be a significant thing with you in the midst of a political campaign?

Mr. Stearns. Well, again you are talking about hypothetical situations that didn't happen.

Mr. Thompson. Yes, we are.

Mr. Stearns. If it happened or at least if I recollected it happening, then it might have been a significant thing but you are talking about an incident which to me was pure hypothesis.

Mr. Thompson. You say there is really no conflict between you and

Mr. Taugher—just a matter of recollection?

Mr. Stearns. I said there was no conflict on a material point. I said his recollection was one thing and my recollection was another. I have given you my best recollection and I assume he gave you his best recollection.

Mr. Thompson. Mr. Taugher testified yesterday on page 8815 of the

transcript:

I am not sure how it first came up, as I said a few moments ago. The meeting was underway at the time I walked in, the two women were discussing with Rick their attendance at the prior night's organizational meeting and he—

Referring to you—

as I came in, he then turned to me and brought me up to date on what they had discussed up to that point.

Mr. Stearns. I don't believe that I am here to give you Mr.

Taugher's recollection.

Mr. Thompson. But you are here to respond as to whether or not this is accurate and as to whether or not this would be something you remember.

Mr. Stearns. I have given you my response; I have given you my

best recollection.

Mr. Thompson. That did not occur, to your best recollection? Mr. Stearns. To the best of my recollection this did not occur.

Mr. Thompson. You don't think this would be a matter that would be of significance to you in the midst of a political campaign?

Mr. Stearns. Not if it didn't occur; no. Mr. Thompson. What if it did occur?

Mr. Stearns. Again you are talking about an incident which I don't think took place and I am not here to testify about things which, to the best of my recollection, did not happen.

Mr. Thompson. You are about to testify about what you thought was significant in a political campaign, Mr. Stearns. I thought you

had responsibility for this State.

Mr. Stearns. As I explained, our campaign worked in a peculiar fashion.

Mr. Thompson. Yes, I know.

Mr. Stearns. It was not one in which there was a distinguishable chain of command. Yes; I was responsible. My responsibility was in the initial organization of the campaign in each State but the principle of our campaign—which we followed from the very beginning and I think you can find evidence of the fact it was followed in almost the entire record of the campaign—is that once an organization was in place, the day-to-day authority in that campaign was in the hands of the people who managed it locally. I mean, as a measure of how important my control over that State was, as soon as we encountered what was thought to be a more difficult problem of the campaign—I was sent to Pennsylvania for a month, even though I was still nominally the western regional coordinator. My function in any administrative sense with the campaign stopped at the point that a campaign organization was in place. It was the nature of our campaign; we were not a Republican campaign. I wish sometimes we had been—much less confusion.

Mr. Thompson. Did you hear Mr. Taugher's testimony yesterday

or did you have a chance to watch it on television?

Mr. Štearns. I heard parts of it yesterday afternoon on a radio station which then interrupted it to go to a program about the Vice President. I heard it very late. I came in at the end of it. I tried to watch it last night, but I went to sleep around 11 o'clock and so I missed it.

Mr. Thompson. He testified yesterday to the effect that this discontinuing of the use of the phone bank was because Senator McGovern came to town. That they, in fact, approved it. Of course, here in the reported testimony he also stated that you approved it; that he approved it; that they were used; that after it happened he informed

Mr. Lu Haas, who was in charge of press relations for that State, the full story; that, in fact, it had been approved beforehand; that, in fact, it had been stopped because Senator McGovern came down and they needed the telephones. We presented a couple of newspaper articles and, I believe—perhaps you have one of them with you—wherein Mr. Haas is quoted and his assistants are both quoted to the effect that when they found out about it they concluded it must have been some self-serving individual who did this, and as soon as it was discovered it was immediately stopped.

Now, assuming Mr. Taugher's testimony is correct, with regard to his approval anyway, and assuming that Mr. Taugher's testimony is correct with regard to what he told Mr. Haas about the facts, would you call the McGovern response to this matter open and frank with

the press and the American people?

Mr. Stearns. I am sorry; it is my recollection that I left, I think to return to Washington that very afternoon. I was not there when any of these discussions took place, presumably, between Mr. Taugher and Mr. Haas or anyone else.

Mr. Thompson. I am not sure I understand the significance of the slander that you said had been leveled against you. Is that with regard to the letter concerning your position on the Arab-Israeli controversy?

Mr. Stearns. Yes. At the October 3 meeting I read into the transcript a number of examples of the character of this campaign, including the initial statement I signed in 1967 that was in controversy, and then some examples of how this issue had been used against the McGovern campaign in 1972.

Mr. Mannino. Those were marked as exhibits starting at page 67 of the executive session transcript and should be part of your records

for that day.

Mr. Thompson. Yes, I believe I have them here before me. How was

this used unfairly?

Mr. Stearns. Well, let me give an example. The way it was used unfairly was to take views that, first, I did not hold. Views that I had made clear publicly on any number of occasions. I introduced several of those occasions into the transcript of this committee, including a letter which appeared in the Near East report on July 26, 1972, where I dealt with the charges that had been made against me in terms of my views on the Middle East, and I explained what my current position was on the Middle East.

My views were widely publicized, particularly in the Jewish press in this country. An article was introduced from the Jewish Standard of August 4, 1972, where I stated some of the reasons why I had changed my opinions on the Middle East in the intervening 5 years

since signing the ad in 1967.

Then, to give some of the examples of how it was used against me: First, I learned from an inquiry from a member of the press that Mr. Shumway was spreading the notion that I had been a guerrilla leader for Al Fatah, which is a ridiculous assertion on its face but nonetheless a dangerous calumny—the kind of assertion that inspired a great deal of hate-mail directed at me personally during the campaign.

Then I learned from Jack Anderson's column on August 24, 1972:

GOP fieldworkers have started a whispering campaign against George McGovern's western regional chief, Rick Stearns, who is being labeled anti-Israeli

because of a 5-year-old ad he signed as a student. The ad was construed to be pro-Arab, but Stearns has now fully endorsed McGovern's pro-Israeli policy. And Democratic aides call the whisper campaign against Stearns a "blatant smear."

Then I introduced an ad which had been published by the Democrats for Nixon which I think is a reprehensible and scurrilous piece of literature. This ad first attempts to associate me with Mr. M. Mehdi, who is apparently the representative of Palestine terrorist organizations in the United States.

This is Rick Stearns. He coordinates the McGovern campaign in the West—at the time of the 6-day war he was a signer of anti-Israel ads in the Washington Post and New York Times sponsored by anti-Israel elements in the United States. He wants you to vote for McGovern, his employer.

And goes on to make a similar insinuation against Gary Hart, Mc-Govern's campaign manager, derived from, to the best of my knowledge a wholly falacious article which appeared in the George Washington University student newspaper. This is the kind of slander and smear I am talking about.

One of the reasons that my role in California was as diminished as it was, was that I was spending so much time handling this kind of smear and this kind of charge that I would have been a political liability for the campaign in the Los Angeles area if I had ever tried

to assert any administrative authority there.

This was a blatant, reprehensible smear which has caused great damage to my reputation, and I resented it.

Mr. Thompson. Before we get to who is responsible for the smear,

let's make sure we understand exactly what the smear is.

As I understand it, in the letter they refer to an open letter to President Johnson\* by Middle East specialists which you signed as international affairs vice president, United States National Student Association. It is about a page and a half letter, and I don't wish to try to paraphrase it for you—you can do that if you would. But basically I imagine the major point is that it is their position that the Israelis should return the land that they had gotten in the recent war.

Would that be the most specific?

Mr. Stearns. No; I would paraphrase it differently. I would say—you know that one of the elements of the ad respectfully urges the President to deal with what, at the time—you must remember when we signed this ad I signed it in my capacity as vice president of the National Student Association. This was our policy at the time. It was the official policy and I was the international vice president and the appropriate person, therefore, to make the signature. Let me finish characterizing the ad.

Mr. Thompson. If you will pardon me, on that point, I might ask.

did you personally also believe in the statement?

Mr. Stearns. Yes; as I said, at the time, these ads reflected the views I held in 1967. I never equivocated on the fact that they were my views. As I say, I participated in the ad with the National Student Association. It suggested, first, that there would be military withdrawal and that Israel would return to essentially the borders—the status quo prior to the 1967 conflict. The ad condemned, or said that it could not condone Arab provocation; said that there had to be a just and lasting

<sup>\*</sup>Previously entered as part of exhibit 159, see Book 10, p. 4103.

resolution of the refugee problem. It said that the United States should, in terms of President Eisenhower's warning of February 20, 1957, insist on the territorial integrity of every state in the Middle East. It proposed that negotiations be undertaken on questions relating to recognition, maritime rights, border agreements, and water distribution. The premise of the ad was that—what we feared at the time was that the Soviets had been given an opportunity for intervention in the area, which in fact turned out to be a very accurate prediction.

I might say that the U.S. Government essentially adopted and supported this policy when it voted for U.N. Security Council Resolution 242 in 1967. That is the position we had then and, as best I know, it is still the position the U.S. Government holds today.

Now, I said that there were two things that motivated me to change my views. I think at the time, if I were to characterize my views, I would say they tended to be somewhat more sympathetic to the Arabs than certainly the average American politician tended to be. But there were two things that impelled me to revise my views. One was Soviet intervention. The second was the Arab campaign of terrorism. I do not approve of terrorism, I could not approve of violence, and I certainly do not approve of the acts that occurred after the war and, I suppose, are occurring now at the present time.

Consequently, again my views were no secret. As I said in my letter

to the Near East Report:

With regard to my present views I support the Middle Eastern plank enunciated in the platform of the Democratic Party. In fact I managed the floor adoption by voice vote of the stronger language contained in the amendment proposed by Senator Jackson. I also support Senator McGovern's position on the Middle East and have defended it publicly on a number of occasions during the course of the campaign. There is, as I am sure you are aware, a tendency in the peace movement to assimilate the American posture toward Vietnam, and its attendant difficulties, with our stance toward Israel. One of the most positive contributions Senator McGovern and his campaign has made to the discussion of Middle Eastern affairs is an effective defense of the distinction between the two cases.

In closing, may I add a personal note, I regret that any statement I may have made 5 years ago has been injected into this campaign as an issue. I doubt that many people can honestly and accurately re-create their opinion after such a lapse of time or would necessarily want them inscribed forever as a final statement. Our past cannot always be made to conform with our perceptions of the

present.

Mr. Thompson. So the original letter to President Johnson was interpreted at the time as being a pro-Arab letter?

Mr. Stearns. Certainly; in this advertisement, in fact, it is worse

than that. Democrats for Nixon characterized it as anti-Israel.

Mr. Thompson. Well, would you say it is not anti-Israel?

Mr. Stearns. No, I would say it is not anti-Israel. Are you saying that the U.S. Government policy is anti-Israel?

Mr. Thompson. I am asking you, Mr. Stearns. You said it is pro-

Arab, but it is not anti-Israel.

Mr. Stearns. I said I described—my sympathies were certainly more pro-Arab than the average American's or the average American politician's. I am saying this ad is essentially the U.S. Government's policy—then and today.

Mr. Thompson. As you held them before you changed your mind, in what way were those views misrepresented? The fact that they

were referred to as anti-Israel? Is that the misrepresentation?

Mr. Stearns. That is a misrepresentation. Certainly, attempting to associate me with a representative of the Palestine terrorists, especially when you remember that this occurs in the context of a horrible massacre at the Olympic games at Munich; when you have the publicist for the Republican—

Mr. Thompson. Pardon me, where is that referred to in the ad?

Mr. Stearns. It says at the top: "This is him, M. Mehdi; due to Munich, his picture is irrelevant. He helped the Arab propaganda machine in the United States. He says after Shirley Chisholm, our second choice would be Senator McGovern—'to this day,'" in large type, "Medhi still," and so on, "This is Rick Stearns. He coordinates the McGovern campaign in the West." If that is not an association, what is?

"At the time of the 6-day war, he was a signer of anti-Israel ads in the Washington Post and the New York Times"—That is certainly not true. The ad was never in the New York Times—"sponsored by anti-Israel elements in the United States. He wants you to vote for McGovern." I do not think it was sponsored by anti-Israel elements in the United States. I do not consider myself as an anti-Israel element nor did I consider the National Student Association as an anti-Israel element.

Mr. Thompson. Then, it goes on to say: "This is Hubert Humphrey," and it quotes Hubert Humphrey as saying: "Senator McGovern was wrong on Israel, has been wrong on labor law, has been wrong on three other great issues in California."

Mr. Stearns. They do not disclose what the three issues in Cali-

fornia were.

Mr. Thompson. He quotes Jimmy Roosevelt, quotes Gary Hart, then a picture of President Nixon and Golda Meir at the bottom.

You mentioned, I believe, Mr. Van Shumway and the Committee To

Re-Elect the President. This first came about in the California primary, did it not, Mr. Stearns?

Mr. Stearns. I believe that it did. I introduced an advertisement—not an advertisement, a news article—which appeared in the Los Angeles Times on June 16, 1972, and suggested that this is one of the issues that had been raised in Los Angeles.

Mr. Thompson. It says here, and the copy I have does not have a

date. By Bill Boyarsky, would that be the one?

Mr. Stearns. Yes, it is by Bill Boyarsky.

Mr. Thompson. It says that Frank Mankiewicz, who headed the McGovern campaign, says he understands that reprints of the article had been distributed during the successful California fight against Senator Hubert H. Humphrey.

Mr. Stearns. Where are you reading from?

Mr. Thompson. I am reading from the top of the second column, first paragraph.

Mr. Stearns. All right.

Mr. Thompson [reading]:

Humphrey has charged McGovern, a dove on Vietnam, would also be dovish in dealing with Israeli defense against Arab attacks. In the last days before the California primary, the Humphrey campaign blitzed Jewish neighborhoods with literature containing such charges.

Do you know whether or not any of this type of literature concerning you was distributed?

Mr. Stearns. I don't know. As I explained earlier, I was working in the nonprimary States at the time. The only time I was in California in that period was on the night of the victory party in Los Angeles, I think on June 6. I don't see that this article says that Senator Humphrey's campaign, if they were circulating this kind of material, were circulating any material that related to me.

Now it is hard to tell what literature any of us circulated.

Mr. Thompson. Do you know whether or not any such literature

pertaining to you was circulated in California?

Mr. Stearns. I don't. Mr. Boyarsky says that it was an issue in California, but as I said, I am not sure that we know what material was being circulated in our names any place.

Mr. Thompson. Or by whom?

Mr. Stearns. Well, it could just as easily have been—I understand the committee has heard evidence of material circulated in the names of various Democratic candidates which they did not in fact authorize, print, or distribute.

Mr. Thompson. So what you are saying in effect is you don't know

the source of it?

Mr. Stearns. In California, no.

Mr. Tномряом. In the Near East Report, "McGovern-Shriver 1972,"

it says—what is this Near East Report, by the way?

Mr. Stearns. I would regard it as a very influential, very objective publication which is closely allied to the Zionist movement in the United States. That would be my best characterization. I don't know a great deal about it. I know I have great admiration for Mr. Kenen who edits it and whom I discussed this issue with during the summer of 1972.

Mr. Thompson. The opening paragraph says:

Richard G. Stearns, the 27-year-old Rhodes scholar who holds a key post in the McGovern campaign, has come under fire because his name appeared on pro-Arab advertisements after the 6-day war. He has been criticized in columns by Joseph Alsop, John P. Roche, and in an anti-McGovern memorandum circulated by the AFL-CIO.

Were you aware of this memorandum circulated by the AFL-CIO?

Mr. Stearns. No: I was not.

Mr. Thompson. Do you know where it was circulated?

Mr. Stearns. No; not if I was not aware of it.

Let me say just by contrast, you can find this same kind of material about anybody in politics. Here is a Jack Anderson report on November 10, 1971, that the Committee To Re-Elect the President has employed a gentleman as the head of the Slovak-American division of the Republican National Committee and as an adviser to the Small Business Administration, a gentleman who was a prominent pro-Nazi propagandist in Slovakia during World War II. This column appears under the headline, "Nixon Appears a Little Soft on Nazis."

I think this is just as reprehensible as the kind of material that was used against me. This is not the kind of material we would ever have

considered using in our campaign.

Mr. Thompson. Mr. Stearns, I have a few other questions, but I have taken too much time already and I will pass this time.

Senator Baker. Thank you, Mr. Thompson.

Senator Inouye.

Senator INOUYE. Thank you very much.

Mr. Stearns, as chief of the research division of the McGovern Campaign Committee, and as Western States coordinator of the McGovern Campaign Committee, or as any officer of any authority or responsibility, did you ever openly or covertly advocate, support, authorize, or direct violent dmonstrations?

Mr. Stearns. No. sir.

Senator Inouge. Did you, in those capacities which I just listed, authorize, advocate, support, or direct the printing or publication or displaying of obscene or vulgar placards?

Mr. Stearns. No, sir.

Senator Inouxe. In those capacities, were you ever aware of any other persons in similar authority advocating, supporting, directing, or financing violent demonstrations or the printing or the publication or display of vulgar, obscene material?

Mr. Stearns. No.

Senator Inouve. Thank you very much, sir.

That is all.

Senator Baker. Thank you.

Mr. Stearns, I don't want to prolong the line of inquiry you have dealt with at some length to your opening statement, but I would like to elaborate on one point to make sure I have it clearly fixed in my mind. I detect a resentment on your part that you have been called and that you interpret your being called as a witness as, in some way, an effort to besmirch the good name of Democrats by trying to elicit from you testimony of matters that are relatively inconsequential in your view when related against the rather spectacular allegations made in other testimony. I say that not because I ask you to agree with it, but because I want you to know how I react to the totality of your statement. I am going to stop at that point and ask you to correct it, to agree with it, or to elaborate on it as you see fit.

Mr. Stearns. The only elaboration I would make is I think it also casts aspersions on a man who is my principal inspiration for being in politics, one of the finest men I ever worked for, who ran a campaign that I think any man would be proud of. Yes, I do; I think it would

be fair to say that I feel some resentment.

Senator Baker. At being called at all?

Mr. Stearns. Obviously, you know, I am here. At least I think I am a law student. I have spent more time on this in the last month

than I really have on the law.

But I would say my resentment is not at appearing before the committee, because I think the committee has, as I said in my statement, a legislative purpose and at its best, it's politics at its best. But I do resent the thrust of questions which do cast aspersions, first on my party, which I think are unfair and wrong, and second, on a man whom I admire very much.

Senator Baker. I wonder if you could substitute yourself into my position, and if you would, think back on the idea of seeing questions, an interrogation of witnesses, queries put to Republicans day after day and week after week, with my full participation and that of my staff to elicit all the facts and circumstances, whether they turned out to be favorable or unfavorable. Would you counsel or advise me to resent them being called?

Mr. Stearns. Senator, there are times when I would like to be in your position. But I can't—you are doing your job. I would counsel

you to do the job that you thought was right, that you thought was your duty as a Senator of the United States. But because I would counsel you to do that does not mean that I still don't have the privilege as a private citizen of feeling resentment at what I think are questions that at least tend to cast aspersions on my party and my candidate.

Senator Baker. I think you have screamed before you are stuck. I might point out, Mr. Stearns, that there has not been a single witness called by the minority staff—not yet; that there has been a high degree of cooperation between the majority staff and the minority staff; that we are trying our dead-level best to follow the mandate of Senate Resolution 60, which is to inquire into the possibility of illegal, improper, or unethical activities. And I really caution you not to feel resentful of it, that questions are put, because we are going to look into it. We are going to look into it whether it is Republicans or Democrats, and we are going to let the chips fall where they may; so let us get on about the business of understanding that the public requires us to inquire into general campaign activities. And questions are going to be put to you and other witnesses that you might prefer not to be put. But I really urge you not to resent it, and I do detect that note of resentment in your voice and in your statement.

, Mr. Stearns. Senator, I would never obstruct the work of the committee. I am here, appearing voluntarily, but I think my own feelings

are my own matter and my own right to express.

Senator Baker. Thank you, sir.

Senator Montoya.

Senator Montoya. Thank you, Senator Baker.

At the very outset, prior to my questioning, I would like to read for the record, and then submit the same for the record after identification, the following letter. It is addressed to me from Senator McGovern. [Reading:]

Остовек 10, 1973.

DEAR SENATOR MONTOYA: I have examined the picture of Michael McMinoway brought to my office by a member of the staff of the Senate Select Committee on

Presidential Campaign Activities.

I do not recognize either his appearance or his name. No one resembling this picture was in my room in the Doral during the evening when the California challenge was being considered at the convention or, as far as I know, at any other time. Since there was a Secret Service agent stationed immediately outside the door of my suite whenever I was there and since even close members of my staff were cleared to enter only when I wanted to see them, the sort of access he claims would have been impossible.

With best regards, I am Sincerely yours,

It is submitted under oath.

GEORGE MCGOVERN.

I would like to submit this letter after it is properly identified for the record.

Senator Baker. I take it, Senator Montoya, that you identified the letter as the recipient of the letter. If there is no objection, the letter will be received and appropriately identified, marked, and made part of the record.

[The letter referred to was marked exhibit No. 241\*.]

Senator Baker. Counsel points out that it qualifies on a second ground, that it would be fully admissible simply at the request of our

<sup>\*</sup>See p. 4743.

colleague, Senator McGovern, but it qualifies under the rule of our section 26, which permits the submission of statements bearing on the testimony of previous witnesses. So it is received on both grounds by the committee as part of the official record.

Senator Montoya. Mr. Stearns, were you aware that any McGovern personnel were used for the so-called peaceful demonstration in L.A.

against President Nixon?

Mr. Stearns. No, sir, I was not aware and I do not think anyone has suggested that any McGovern personnel were used in preparation. I do not think it was a so-called peaceful demonstration, I think it was a very peaceful demonstration, from everything I have been able to determine from the press reports.

Senator Montoya. It was a peaceful demonstration?

Mr. Stearns. I would refer to the Los Angeles Times account, where they refer to a quotation from Police Lieutenant Kenneth Hickman:

Acting as liaison officer between his department and the demonstrators, praised organizers of the demonstration for their cooperation. They coordinated well with our department and they kept moving. They obeyed their own monitors and police directions. The people who organized this were really interested in keeping it orderly.

As I said earlier, the Los Angeles Times, which certainly cannot be characterized as a McGovern rag, wrote an article entitled "Demonstration of Maturity," concluding "Welcome Civility."

Senator Montoya. I think there is a general understanding on the

basis of testimony that the demonstration was peaceful.

Mr. Stearns. Yes, sir.

Senator Montoya. Did you know anything about the leaflets that were distributed and circulated inviting people to join in the demonstration?

Mr. Stearns. No. sir. I did not.

Senator Montoya. Now, I think that it is worthwhile to place the entire matter in proper perspective as to what transpired prior to the demonstration. I think Mr. Taugher's testimony is very relevant at this point in view of what has happened this morning in the questioning and the answers by you.

I will quote now from the transcript:

Mr. Hamilton. Do you know if any McGovern staff workers made any calls to solicit demonstrators?

Mr. TAUGHER. No, they did not. We were interested in the McGovern staff workers to concentrate on our voter registration drive and for that reason, I did not want them to participate in this effort.

Mr. Hamilton. What lists were used to make the phone calls?

Mr. Taugher. Lists that were compiled by the people sponsoring the demonstration. I believe on their lists, they had names of persons who had in the past attended various activities sponsored by one or another of the groups that made up the coalition.

Then, the testimony goes on further to indicate that about the only part that leaflets had in this and attributable to the McGovern head-quarters was the fact that some of these leaflets were placed in front of storefronts that were being used by the McGovern campaign, and they were merely pasted on the windows, and approximately only half of the storefronts were utilized for this purpose.

Now, are you aware of these facts?

Mr. Stearns. No, sir, other than what you read me today. As I said earlier, I left, I think, on that same afternoon. I left to return

to Washington and could not have monitored or been aware of any of

the preparations for the demonstration.

Senator Montoya. Now, there were some telephone calls made, but they were made, apparently, by people who were not associated with McGovern. They were the people handling the peaceful demonstration.

Mr. Stearns. That appears to be Mr. Taugher's testimony; yes, sir. Senator Montoya. Now, there has been quite an attempt made here this morning to equate A with B and so forth. Now, do you know of any tricks that were engaged in by the McGovern forces against the Republicans in the last campaign?

Mr. Stearns. No, sir, I do not.

Senator Montoya. Do you know of any false advertising that was engaged in by the McGovern forces against the Republicans in the last campaign?

Mr. Stearns. No, sir; I do not.

Senator Montoya. Do you know whether there was any distribution of misleading literature on the part of the McGovern forces?

Mr. Stearns. No, sir.

Senator Montoya. I am citing the instances testified to by Doug Kelly, who was one of the masters in that kind of campaign for the Republican National Committee.

Mr. Stearns. I am sorry, sir, I am not familiar with this. Senator Монтоуа. All right. Now, are you aware of any fake invitations that were sent by McGovern forces trying to confuse people? Mr. Stearns. No. sir.

Senator Montoya. Such as luncheon invitations to Nixon headquarters and so forth?

Mr. Stearns. No, sir.

Senator Montoya. Are you aware of any fake press releases that were delivered to the press in behalf of the opposition?

Mr. Stearns. No. sir.

Senator Montoya. Are you aware of any false letters being circulated in the campaign by the McGovern forces?

Mr. Stearns. No. sir.

Senator Montoya. Are you aware of any stinkbombs in any of the Nixon picnics or barbeques or meetings?

Mr. Stearns. No. sir.

Senator Montoya. Are you aware of any other disruptions of any Nixon meetings sponsored by any of the McGovern forces?

Mr. Stearns. No. sir.

Senator Montoya. Are you aware of any infiltration of Nixon fundraising dinners or Republican fundraising dinners on the part of McGovern forces?

Mr. Stearns. No. sir.

Senator Montoya. Are you aware of any sabotage activity in the Republican National Convention that might have been sponsored by the McGovern forces?

Mr. Stearns. No, sir, I am not.

Senator Montoya. So far as you know, the McGovern forces conducted as clean a campaign as is possible?

Mr. Stearns. Yes, sir, I think that is a fair characterization.

Senator Montoya. That is all.

Senator Baker. Senator Gurney.

Senator Gurney. Mr. Chairman, I was not going to ask any questions at all, but I will ask one. Before I do, though, I would like to

make an observation.

I have the same feeling as the acting chairman, Senator Baker, Mr. Stearns, that there is a charge here that you were brought for a partisan purpose. I would like to point out that your first interview and your being called here today was a decision made by the Democratic counsel. The Republicans had nothing to do with it at all. You are one of their witnesses, not one of our witnesses. As the chairman has pointed out, we have yet to produce a single witness before this committee. We have not put on our case yet. When we do, I hope and I am sure we will put on witnesses that do have material facts to contribute something to this affair.

My pointing that out is no criticism for bringing the witness at all, because I understand, it is my understanding you were brought for the specific purpose because there is a conflict in testimony with another

witness.

Is that not right, Mr. Dash?

Mr. Dash. Yes.

Senator Gurney, I just want to confirm that the witness is being brought by the committee, and I think that we ought to really make clear for the record, that there really is not a minority witness or a majority witness. Frankly, as chief counsel for the full committee, we have produced this witness, and he has been—we have discussed this with Mr. Thompson, minority counsel. This is a committee witness, and our staff—the full staff—has been supportive producing the witness.

We could not, by the way, know whether or not we were going to call Mr. Stearns until we heard Mr. Taugher's testimony.

Senator Gurney. I understand.

Mr. Dash. Actually, it was on that basis, because of the question of discrepancy, that it became necessary to produce the witness, in fairness to Mr. Stearns.

Senator Gurney. I do understand, too, and I am glad you brought this point out, that Republican counsel does confer or you confer with Republican counsel on witnesses being brought. I simply pointed out the initiation of the interview as well as the decision on bringing the witness really is not ours, that is all, to straighten out this business

of any partisan business.

Senator Baker. Senator Gurney, if you would yield for a moment on that point, I really think, in searching my own reaction to the witness' testimony, that is as disturbed as I guess I can recall, that this is the first witness—and I do not know how many witnesses we have—the first witness that has laid the allegation against the committee that he was called for political reasons. I must confess I did not react fairly to that. I believe all the witnesses have been called in full concurrence of majority and minority counsel, and they have all appeared as committee witnesses, and I fully expect will continue that practice, to call witnesses only as committee witnesses as time goes by. So for my part, I would like to underscore Senator Gurney's statement that we are calling no witnesses for an overt political purpose, but only for a factfinding mission and with a high degree of cooperation between the very excellent majority staff and minority staff.

I yield.

Senator Gurney. That certainly is true.

I do have one question. A short time ago, Mr. Shumway called a member of the staff and said that he has never heard of you, he has had no dealings with you, and he did not put out any statement such as you have indicated here. Would you elaborate on your charge, your

testimony that Mr. Shumway put out a statement by you?

Mr. Stearns. Yes, I did not say he put out a statement; I said that he had been spreading a rumor among the press. This came to my attention when a member of the press came—called me—in this case a foreign correspondent from a German newspaper whose name I do not remember—who asked me as a feature story for his news service in Germany if I would contribute some details and vignettes from my experience as a guerrilla leader, presumably in the Golan Heights or somewhere. When I picked myself up off the floor, I asked him where he had ever gotten the idea that I had had any experience as a guerrilla leader anywhere, and he said that he had been told that by Mr. Shumway at the CREP.

Naturally, I was furious. I then went to a gentleman who is a close personal friend of mine, whom I consider one of the most honorable men I have known in politics, Mr. Patrick Buchanan. I related this incident to him and asked if he would tell Mr. Shumway that I thought this went beyond the bounds of any propriety. I presume that is what Mr. Buchanan did, because no similar rumors came to me

again.

Senator Gurney. What was the name of the reporter?

Mr. Stearns. I said I do not recall. He was a German, foreign correspondent from a German paper.

Senator Gurney. What is the paper he represents?

Mr. Stearns. I am sorry. I don't recall. This is back in 1972.

Senator Gurney. Well, that is not so long ago. It is last year. What date did you talk to him, or did he talk to you?

Mr. Stearns. I would guess that this must have been sometime

around mid-July.

Senator GURNEY. And where?

Mr. Stearns. He called me at my office in Washington, the McGovern office.

Senator Gurney. You didn't meet with him in person; he called you on the phone, is that it?

Mr. Stearns. He called me on the telephone, yes.

Senator Gurney. I must say, Mr. Stearns, the great big thing you made of this, I don't understand why you don't recall his name, the paper he writes for, or anything about it. If it made that big an impression and upset you so much, I don't understand why you don't recollect his name.

Mr. Stearns. Let me explain. It is not just this incident that made a big impression. In fact, I was under heavy attack because of the alleged position I had on the Mideast. I was receiving daily abusive letters, abusive telephone calls. My own position in the campaign was jeopardized. I am convinced—in fact, I am sure as Mr. Evans and Mr. Novak, in two of the articles I introduced suggested, the issue of my continuing in the campaign was brought to barely this. This was just another incident in what looked to me, and I am convinced, was a calculated campaign to smear me.

Senator Gurney. Well, but I must say, Mr. Stearns, I can understand why you would be upset, but don't you think Mr. Shumway might be upset, too? He has already called here, very angry, saying that he never heard of you, he never had any dealings with you, he never issued any such statement, and the best thing you can do here for us is one of these sources.

Sometimes I think the source family is the biggest family in the United States, bigger than Smith and Jones. When anybody wants to make an accusation against somebody, it is always Mr. Source. And

you have done it against Mr. Shumway.

Now, I suggest you find out the name of this German reporter and the paper he works for and give it to the committee, and we will run this down.

Mr. Stearns. I will do my best.

Senator Gurney. And find out who is telling the truth. That is what I would like to know, and that is the purpose of the committee.

I don't have any other questions. Senator Baker. Senator Weicker.

Senator Weicker. Well, along that line, I think it might be helpful, Mr. Chairman, if we also communicate with Mr. Buchanan, who I gather could corroborate or not corroborate the story which Mr. Stearns has told the committee. So I would suggest that the committee contact Mr. Buchanan and ask whether or not he recollects such an occurrence, and this might assist in ascertaining the truth.

Senator Baker. If the Senator will yield, if there is no objection on the part of the committee, I will request committee staff to make a full inquiry into all of the circumstances attendant on this incident

and report to the committee.

Senator Gurney. I think that would be excellent, Mr. Chairman. Mr. Stearns. Fine, although—I would say I would like to know—I would not mind seeing an inquiry into the full scope of this campaign that was run against me, although I appreciate the opportunity the committee has given for me to clarify now, in public forum, what my own views on the Mideast were, and what the circumstances that led to this campaign and the campaign of 1972 were.

Senator Baker. I take it you would be willing to cooperate with the committee counsel in gathering all the facts on this in an effort to identify the source, our efforts to compare this testimony to Mr.

Buchanan's recollection and Mr. Shumway's as well.

Mr. Stearns. Yes.

Mr. Elliott. Senator, we respectfully made that suggestion in executive session and would appreciate working with you to clean that situation up.

Senator Baker. Thank you.

Mr. Elliott. I think Mr. Justice Frankfurter made a very astute observation when he said we cannot deny as judges what we know as men. You gentlemen are a very sophisticated group of national political figures, and I believe that there is not one of you seated there or anyone in this room who would believe that the use of code words or ethnic vilifications or anything else can elevate the political dialog at all, and I think this is such a very vicious situation that we should attempt to get to the bottom of it.

Senator BAKER. Thank you.

Senator Weicker.

Senator Weicker. I don't have any specific questions of the witness, Mr. Chairman, but I must express a questioning attitude toward both the majority and minority counsel on this matter of the Century Plaza incident and exactly how it relates to the mandate of this committee. I mean by that, that it has been established, I think, both by the testimony of witnesses and also more specifically by the testimony of Officer Hickman, that the demonstration was peaceful, Now, the conflict-in-testimony argument is raised as to who did what relative to McGovern's people in California and the actual demonstrators in organizing the demonstration. The difficulty that I have with that thrust or the thrust of such questioning, whether it is from the majority or the minority, is that once it has been established that the demonstration was peaceful, it seems to me that we are getting into an area of the right of every American. It does not—I would hope that we are not purporting that such activity is either illegal, improper, or unethical. Yet at times, the questioning, as I say, from both sides has seemed to intimate that that aspect of the Century Plaza situation which related to the organizing of the demonstration, was either illegal, improper, or unethical.

I recall a passage; I brought it with me today. This rather bothered me even during yesterday's questioning. This is from Mark Twain, "A Connecticut Yankee in King Arthur's Court," which I thought was particularly applicable in this situation, and something I think all of

us might remember.

He says in that book:

You see, my kind of loyalty was loyalty to one's country, not to its institutions or its officeholders. The country is the real thing, the substantial thing, the eternal thing. It is the thing to watch over and care for and be loyal to. Institutions are extraneous, they are its mere clothing and clothing can wear out, become ragged, cease to be comfortable, cease to protect the body from winter, disease and death. To be loyal to rags, to shout for rags, to worship rags, to die for rags, that is a loyalty of unreason, it is pure animal. It belongs to monarchy, was invented by monarchy, let monarchy keep it. I was from Connecticut, whose constitution declares: "That all political power is inherent in people and all free governments are founded on their authority and instituted for their benefit that they may have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient."

Under that gospel, the citizen who thinks he sees that the commonwealth's political clothes are worn out and yet holds his peace and does not agitate for a new suit is disloyal. He is a traitor. That he may be the only one who thinks he sees this decay, does not excuse him, it is his duty to agitate anyway, and it is the duty of the others to vote him down if they do not see the matter as he does.

Now, I don't think anything can explain better the basis for our right as Americans to agitate, to assemble peacefully for the bringing about of change. I just want to make it clear that once we have established the fact that the demonstration at the Century Plaza was peaceful—and I think this has been well established by a variety of witnesses and certainly principally the Los Angeles Police Department—then for us to pursue a line of inquiry, whether on the majority or minority staff, as to how persons got together, whether in the form of a McGovern campaign or as individuals or what have you, in my thinking has no relevance to the mandate of this committee and in fact, embarks us on a very dangerous course of conduct. I just wanted to get that out while I had the opportunity.

Mr. Dash. Senator Weicker, and Mr. Chairman, I think it is important to put on the record the relevance of producing the witnesses

yesterday and today. I think the record is clear that when Mr. Haldeman testified and some other witnesses testified this particular incident was referred to and was referred to as a violent demonstration and that the committee was invited by Mr. Haldeman and some other witnesses to investigate that, and I think as the record stood at that time, all that the public knew and all that the record showed was that the Century Plaza demonstration was a very violent demonstration that prevented President Nixon from being able to exercise his first amendment rights to speak and to present himself as the President of the United States.

Senator Weicker. Counselor, that, I repeat, that fact having been

established there is no disagreement.

Mr. Dasн. We had to do it publicly.

Senator Weicker. That is good evidence in relation to previous testimony. What I am afraid I have to question is a line of questioning which involves not with the peacefulness of the demonstration, not with that at all, but rather as to whether individuals could consult and get together and form a part of that demonstration. I don't think that aspect of what happened is a proper line of inquiry for this

Senator Baker. I think that—I am sorry, are you through, Senator

Senator Weicker. Yes, I am through.

Senator Baker. I think I might note for the record, I have no disagreement with my colleague or counsel, but I have some difference of recollection about the characterization of the rally, but the record itself will speak for that.

We need not press it further; I think the testimony has been useful.

Are there other questions, Mr. Lenzner?
Mr. Lenzner. Senator, I just wanted to add also that we felt that after we did investigate this incident in California, that in view of the fact we did confirm that some campaign resources had been used, we felt the committee might want to review that in terms of whether that was appropriate for campaigning under our mandate to use resources, even though it was a peaceful demonstration, to participate in any kind of demonstration, and that comes within the legislative purposes of this committee.

Senator Baker. Thank you very much, Mr. Lenzner. Mr. Lenzner. I just wanted to ask one other question.

Mr. Stearns, I asked prior, based on Mr. Taugher's recollection and Mrs. MacKenzie's, that you were present during that conversation. We did discuss yesterday, and I think on October 3, you had been there, or you had recollected you had been there, as they recollect, what would your reaction have been in terms of making recommendations to that group of people, what resources the headquarters could supply to the demonstration.

Mr. Lenzner, I really question whether that is a Mr. Stearns.

proper question.

Mr. Lenzer. Well, you have answered it to us on prior occasions

and I wonder why you don't want to answer it today.

Mr. Stearns. I am in a public session. I don't feel that I am here to speculate on things that didn't happen—to the best of my recollection didn't happen.

Mr. Lenzner. Can you make any recommendation to this commit tee in terms of legislation as to whether—

Mr. Stearns. Yes.

Mr. Lenzner [continuing]. As to whether legislation ought to be enacted on the issue of the use of resources by a political campaign to aid a demonstration, peaceful or nonpeaceful.

Mr. Elliott. There are substantial constitutional questions in any

type of legislation-

Senator Baker. Just one moment. I don't mean to press the witness nor to disagree unnecessarily with counsel, but I suggest, unless there is disagreement by my colleagues, that a hypothetical question based on facts in the record to underlie the opinion of a witness as to the desirability or undesirability of the enactment of legislation by Congress is a proper question.

Mr. Lenzner. Yes.

Mr. Elliott. The only question is, he had been asked for a legal conclusion, there are constitutional problems with that type of legislation. In that context he is certainly free to answer your question but I just wanted to make sure that is the context in which we answer it.

Senator Baker. It is the witness' prerogative to answer the ques-

tion but the Chair rules the question is admissible.

Mr. Stearns. I certainly want to make clear if I answer I am answering on a clearly hypothetical basis on events which I do not recollect happening. I was in full accord with the policy of the campaign that the Senator had made clear, that everyone in responsibility, had made clear; we made clear we assumed everybody in the campaign knew what our policy was. Even in the most elementary political sense of political tactics it could not have been in our interest to run the risk of being associated with any violent demonstrations.

Now, in terms of the legislative recommendation, I again have only begun a legal education but I agree with my counsel that I think you are skirting an area where there are serious constitutional issues that

should be raised.

Now, by your question were you asking me generally what I thought

the recommendations ought to be?

Mr. Lenzner. Yes, particularly in view of the fact you said the policy was well understood, despite it being well understood, it was a deminimis application of resources by the campaign for peaceful demonstration.

I am asking now, is that in your opinion, an area that this committee ought to review for possible legislation or some other suggestion?

Mr. Stearns. I think you should review it with the constitutional inhibitions in mind, but the warning that I would make is that you are very close now to talking about legislating people's attitudes and conduct. I don't think decency really can be legislated. I think decency can be inspired by example. I think there are other reforms that can be made in the political system in this country that will encourage again by their exemplary nature, a decent kind of politics.

I think the most obvious one is—I think it was a bill that I was very familiar within the campaign—was the Campaign Finance Act of 1971 which made a great step, I think, toward placing restrictions on the way money was raised and the way money was used in a campaign. I think the next logical step and the one that I would like to see take

place is a move to some full kind of Federal financing of Federal campaigns. I think that would be the most heartening step that this committee could recommend in terms of legislation.

But I do think when you get into the question of attempting to legislate what people think or their standard of decency I think it becomes a very difficult issue, and I agree there are some constitutional

questions I think ought to be considered in that regard.

Mr. Lenzner. I agree with that. I am wondering whether we could get your views in writing later, perhaps after you have had some thought, as to whether we can deal with, not the question of legislating people's thoughts and ideas, but on the question of the use of resources based on campaign contributions in a campaign, whether it is in this situation or in the situation we had with prior witnesses, of using campaign contributions to employ people like Mr. Segretti, Benz, and Kelly, and that is what I am focusing on.

Mr. Stearns. Yes, I understand.

Mr. Lenzner. Thank you.

Senator Baker. Mr. Thompson.

Mr. Thompson. Mr. Chairman, just one or two more questions. In that line obviously there is some disagreement as to the propriety of using resources in this manner. I might make the observation that it would appear that Mr. Hass, the McGovern people in California, had some reservations about the wisdom or propriety of it, from their reaction to it in stating that as soon as it was found out about it was stopped. I think that is a fair observation to make, and I look at your own testimony in executive session, and you state-

Mr. Elliott. What page are you on ?

Mr. Thompson. On page 44. I will start back on page 43 at line 20:

Mr. Liebengood. First, let me ask you this: Do you know any instance when a local McGovern campaign organization participated in a demonstration against the President during the campaign?

Mr. Stearns. If the question is, "Do I know of any place the McGovern campaign participated in or McGovern campaign organization participated in or promoted as a matter of policy a demonstration," the answer is no.

Mr. Liebengood. What was the basis for that policy?

Mr. Stearns. Well, it was our feeling that one of the major difficulties we had, I mean just from a tactical point of view, with McGovern's acceptability was the association which had developed in the minds of some McGovern militant protests, so obviously this is a matter of political tactics. Any demonstration that was conducted, particularly if it was in any way identified with McGovern, had to work against our benefit. That was certainly the tactical consideration for the policy and I think there were probably ethical considerations that would have come into play at that point, too.

Is it an unjust inference to conclude that there was a consideration of propriety in your own mind with regard to this kind of activity?

Mr. Stearns. I mean you are repeating something that I have already—I said in response, I think to your earlier question.

Mr. Thompson. Indulge me, if you would, and repeat it again.

Mr. Stearns. All right, I will repeat it exactly as it is here, the

question is: "Do I know of any place that the McGovern campaign participated in, or McGovern campaign organization participated in or promoted as a matter of policy, demonstrations?" The answer is "No."

Mr. Thompson. What I am asking you is what kind of ethical considerations would have come into play at that point?

What did you mean by that statement?

Mr. Stearns. I think I said that ethical considerations would probably come into play at that point. My testimony has been that ethical considerations did not come into play because I cannot recollect this incident that you are talking about. I am saving as a matter of policy we did not organize or promote demonstrations nor would have.

Мг. Тномгом. That is not responsive to my question. I concede

your testimony is that it was not policy to do that, that your testimony is that you did not promote that, that you did not condone or

approve that.

But we have had discussion here as to the propriety of it and you have addressed yourself to that before and I am wondering, and I am referring to Mr. Hass' statement and the McGovern statement about cutting it off, and so forth; I refer to your own previous testimony that ethical considerations would have to come into play probably, probably on that point.

Now, if you consider that this is a proper campaign activity, not from the standpoint of a person having a right to parade or demonstrate if he wishes to do so peacefully, which is obviously constitutionally protected, but from one political organization's standpoint against another, you state here that there were probably some ethical considerations that would have to come into play at some point.

Would you elaborate on that?

Mr. Stearns. Yes. I think a kind of ethical consideration, had I been, as Mr. Haldeman was, in a campaign in which he received a memo which said 100 people were going to produce obscene signs at a rally of the President in 1971, I think in North Carolina, and against the Reverend Billy Graham, and if I took that memorandum and wrote "good" in one column and I wrote "great" also next to it, I think that certainly some ethical consideration comes into play. That would be an ethical consideration.

Mr. Thompson. I agree a good defense is a good offense but what

was in your mind?

Mr. Štearns. I had never-

Mr. Thompson. What ethical considerations were you referring to when you stated that they might come into play?

Mr. Stearns. No one ever gave me a memo-

Mr. Thompson. I am not asking you.

Mr. Stearns [continuing]. Saying we were going to play——Mr. Thompson. Mr. Stearns, if you tell me you do not wish to answer that question then I will drop the question. You haven't yet.

Mr. Stearns. I just don't understand.

Mr. Thompson. I am reading from your own testimony, Mr. Stearns. Mr. Stearns. I have given you an example of an ethical consideration.

Mr. Thompson. You referred to it yourself; what did you have in mind when you were referring to it?

Mr. Stearns. Just that.

Mr. Thompson [reading]. "There was certainly the tactical consideration for the policy and I think there was probably considerations that would come into play at that point, too."

Mr. Stearns. Yes, and I just gave you an example of an ethical

consideration that would come into play.

Mr. Thompson. What ethical consideration would come into play if this was used in the McGovern telephone bank, which was the question you were asked?

Mr. Stearns. I don't recall ever being at a point at which that

ethical consideration was posed to me.

Mr. Thompson. What were you referring to in your testimony?

Mr. STEARNS. What I just described to you.

Mr. Thompson. What, Mr. Haldeman's memo?

Mr. Stearns. I am sorry.

Mr. Thompson. Mr. Haldeman's memorandum, is that what you are referring to?

Mr. Stearns. You asked for a kind of ethical consideration.

Mr. Thompson. I asked for the kind of ethical consideration that you had in mind when you referred to it here. You are stating that there was no question in your mind at the time you gave this testimony as to the propriety of the matter.

Mr. Mannino. Which matter are you talking about, Mr. Thompson?

Mr. Thompson. I am talking about the question I read.

Mr. Mannino. Yes, you said the phone banks and the question does not say anything about the phone banks, the question is: "Do you know of any instance when a local McGovern compaign organization promoted or participated in a demonstration against the President, against the campaign?"

Mr. THOMPSON. All right.

Mr. Mannino. You read Mr. Stearns' answer and he has given you that.

Mr. Thompson. I assume that the use of the phone bank would be promoting or participating in.

Mr. Elliott. Is your question then, sir, whether the use of the

telephone is unethical?

Mr. Thompson. My question is what he had in mind when he referred to the general overall policy as not being a wise policy from a tactical standpoint; what ethical consideration he was talking about.

Mr. Stearns. I said all of the following ethical considerations come into play and I said if anyone were in a situation where they were encouraging hostile behavior, encouraging obscenity, encouraging violent demonstrations, that is an ethical consideration. That is what I had in mind at that point.

Mr. Thompson. Are you aware of a typewritten document entitled "The Muskie Accountability Project" which was written by Mr.

Stewart Mott?

Mr. Stearns. Yes, a copy of that was mailed to me during the campaign, and a copy of it was shown to me by one of the assistant counsels in the October 3—no, the prior one, at one of the two interviews.

Mr. Thompson. This refers to Senator Muskie as, I believe among other things, a liar, and that his father was a draft dodger and, as I understand, was prepared by Mr. Mott himself.

Who is Mr. Mott?

Mr. Stearns. Mr. Mott describes himself as a philanthropist. I think he lived in New York—lives in—I think has moved to Washington, D.C. As I understand it he is one of the heirs to the General Motors fortune. He is a gentleman with, you know, his own interests and predilections in politics. As I explained, and I have given you a copy of the document you asked for, I explained why we would not

have used material like that and I explained then, the reason we didn't is that we had—we obviously had—done our own homework, we didn't need anyone on his own initiative to supply us with material.

Mr. Thompson. Pardon me. Did you have any personal contact with

Mr. Mott during the campaign?

Mr. Stearns. Yes, but not on any matter that related to Senator Muskie. At one time Mr. Mott sponsored a meeting between the Lindsay, Chisholm, and McCarthy forces of which I was one of the McGovern representatives, and at that time we tried to discuss ways in which we could minimize hostility at least among those four groups which were seen as the liberal wing of the party.

Mr. Thompson. Did you provide any documentation or any information whatsoever with regard to Senator Muskie's voting record

to Mr. Mott?

Mr. Stearns. Not to the best of my knowledge, but if he had asked for it I certainly would have given it to him. You have seen a copy of the material I prepared, it was taken mostly from the votes produced by the Senate itself. It is a matter, a factual description, Senator Muskie's voting record, a summary to it, and in fact as I recall, on a number of points I commend Senator Muskie's record, in fact a couple of places stating his record was better than Senator McGovern's in some respects; it was completely neutral and very professionally done, although I cannot vouch for the mistakes. I reviewed 1,600 or 2,000 votes over a 7-year period but you have a copy of that.

Mr. Thompson. Did you have a discussion with Mr. Mott after the

Muskie accountability project came out about it?

Mr. Stearns. To the best of my knowledge, no. Mr. Thompson. Thank you. No further questions.

Mr. Mannino. May we request the Muskie memorandum be made a part of the record? It was supplied after the executive session and I think it may be relevant.

Mr. Stearns. May I also request I get the original back, it is the

only one I have.

Mr. Thompson. I have no objection. I do not have it in my possession.

Senator Ervin. How long a memorandum is it?

Mr. Stearns. I am sorry, sir?

Senator Ervin. How long a memorandum is it?

Mr. Stearns. I think it is too long to—I think it is a waste of the taxpayer's money—I think it runs 140 pages. I would suggest—there are two summaries attached to the end; one Senator McGovern's record and one Senator Muskie's record, those are only about 12 pages, that might be the section to be included.

Senator Ervin. Let the summary of the Muskie record be entered as an exhibit. It is my understanding that the McGovern record is not

available

[The document referred to was marked exhibit No. 242.\*]

Mr. Mannino. Thank you, Senator. Senator Ervin. Senator Montoya.

Senator Montoya. No questions.

Senator Ervin. Well, thank you very much. You are excused.

The committee stands in recess until 2 o'clock.

<sup>\*</sup>See p. 4744.

[Whereupon, at 11:55 a.m., the committee was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, THURSDAY, OCTOBER 11, 1973

Senator Montoya [presiding]. The committee will be in order.

Mr. Dash, will you call the first witness? Mr. Dash. Yes, Mr. Frank Mankiewicz.

Senator Montoya. Mr. Mankiewicz, will you raise your right hand? Do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth; so help you God?

Mr. Mankiewicz. I do.

Mr. Dash. Mr. Mankiewicz, I understand that you are here without subpena and voluntarily appearing as a witness before this committee.

## TESTIMONY OF FRANK MANKIEWICZ

Mr. Mankiewicz. That is correct.

Mr. Dash. And you do not have counsel with you?

Mr. Mankiewicz. I do not.

Mr. Dash. Do you have a statement to read to the committee?

Mr. Mankiewicz. Yes, I do.

Mr. Dash. Would you read that statement, please?

Mr. Mankiewicz. Mr. Chairman and members of the committee, I am happy to have this opportunity to testify before your committee to present this statement and to answer any questions I can about the

1972 campaign.

We have all heard, thanks to these hearings and other investigations, both public and private, of a wide variety of "dirty tricks," of sabotage and of espionage and of an unprecedented assault on the integrity of the political process itself. I should like to take this opportunity to describe what is, in my view, one of the most serious of these assaults—one of the most dangerous of all the attempts to cover up what was done by the Nixon campaign in 1972.

I refer to the systematic attempt by administration witnesses before this committee, either presently in the White House, recently in the White House, or controlled either by the White House or the Nixon campaign, to convey to the American people the idea that the actions of which they were admittedly or proved guilty, are somehow acts

common to American politics and political campaigns.

I think it important for someone to state, clearly and firmly, that these "dirty tricks" are not politics as usual—that American politics does not include any history of, or tolerance for sabotage, espionage, perjury, forgery or burglary. The political process does not, and has not, countenanced firebombing of Government institutions or the slandering of an opponent by accusing him of sexual misconduct—or, to be sure, slandering the memory of a slain President by the use of a forgery which accuses him of murder. American "politics as usual" does not include stealing documents from an opponent in order to photograph and pass them on to favored journalists, nor plotting to kidnap those with whom you may disagree—nor does it traditionally include wiretapping or bugging, the throwing of stinkbombs, or hiring people to creat disturbances or riots in the name of your opponent. And it has certainly never included—at the Presidential level—using

agencies of Government to harass and punish your "enemies" nor the use of special White House gumshoes to count the bottles in a Senator's trash.

Senator Montoya. Mr. Mankiewicz, we have a roll call on the floor, so I am going to have to recess the hearing.

[Recess.]

Senator Montoya. The committee will be in order.

Mr. Dash.

Mr. Dash. Mr. Mankiewicz, do you wish to continue your statement? If you want to go back a sentence or two to get your context, you may.

Mr. Mankiewicz. "Politics as usual" has certainly never included using agencies of Government to harass and punish one's enemies nor the use of special White House gumshoes to count the bottles in a

Senator's trash.

There is grave danger in all this. I think we are strong enough as a Nation to survive Watergate and the crimes with which that word is now forever associated; I doubt if we are strong enough to survive for very long the widespread belief that those actions are the normal things to expect in the practice of electoral politics. And yet, we have seen—over the past months—one witness after another proclaim the notion that "both sides do it," that "this is typical politics," or that somehow the Nixon people's activities were justified because "the other side" had done the same things. This steady stream can have been no accident. And if it is believed, then the already lowered esteem which many now have for our political system will sink even lower, and the final Watergate dirty trick will have been played—on all of us.

Let me cite only one example. In his prepared testimony, H. R. Haldeman listed the following—and I quote now from his testimony:

Violent demonstrations and disruption, heckling or shouting down speakers, burning or bombing campaign headquarters, physical damage or trashing of headquarters and other buildings, harassment of candidates' wives and families by obscenities, disruption of the national convention by splattering dinner guests with eggs and tomatoes, indecent exposure, rock throwing, assaults on delegates, slashing bus tires, smashing windows, setting trash fires under the gas tank of a bus, knocking policemen from their motorcycles.

Mr. Haldeman then went on to charge that these were-

all activities which took place in 1972—against the campaign of the President of the United States by his opponents. Some of them took place with the clear knowledge and consent of agents of the opposing candidate in the last election; others were acts of people who were clearly unsympathetic to the President but may not have had direct orders from the opposing camp."

Now that statement is false in whole and in each part. There is no activity listed there which had the knowledge and consent of any agent of the McGovern campaign, and no evidence of any kind has been presented—or ever will be presented, for none exists—to the contrary. Furthermore, we now know, from testimony before this committee, that some of those acts were in fact committed by agents of the Nixon campaign—agents provocateurs, hired for that purpose.

And from Mr. Haldeman's written expression that some prospective violence at a Nixon rally was both, in his words "good" and "great," we can only conclude that more of that kind of activity was

actually promoted by the Nixon campaign itself.

But Mr. Chairman, Mr. Haldeman did more. He attempted, on more than one occasion—according to memorandums in evidence here—to "leak" to favored newsmen the story that the McGovern campaign was financing these activities—this violence—and that it was itself financed by sinister foreign sources. Now when he made those statements, Mr. Haldeman knew them to be false—but they are widely believed nevertheless.

What I am trying to express here is that this kind of activity, and all of the illegal and unethical activity we have heard described here, is not typical of American politics at all. None of it was done in the Democratic campaign of 1972. In the campaign with which I am most familiar—that of Senator McGovern's—I can state categorically that it was wholly free of each and all of the dirty tricks, the crimes, the deceits and the coverups the Nation has now learned

were committed in behalf of his opponent.

Furthermore, I am prepared to state, based on my own knowledge as well as extensive recent research, that it was also not "politics as usual" in the other Democratic campaigns of 1972—such as those of Senator Humphrey, Senator Muskie, Senator Jackson and Mayor Lindsay—and that this kind of politics has not been present in other Democratic or Republican presidential campaigns. This kind of activity may well be "politics as usual" for Nixon campaigns, but not for any other Democratic or Republican presidential campaign of which I have any knowledge. And I believe it to be the gravest disservice to the Republic to suggest that it is.

As to the effect on the 1972 campaign of the so-called "dirty tricks" they would appear to have been successful. The purpose of it all—the slimy letters, the forged press releases, the fake leaflets—seems to have been not to influence the result of any single primary election, but to create within the Democratic Party such a strong sense of resentment among the candidates and their followers as to make unity of the party impossible once a nominee was selected. At that, the effort seems

to have been most successful.

Workers in Senator Muskie's campaign have told me that they believed the "dirty tricks" played on Senator Muskie in New Hampshire to have been the work of the McGovern campaign. Certainly there must have been those Humphrey and Jackson partisans who, seeing the filthy letter about their candidates in Florida, forged so as to appear to be from the Muskie campaign, must have turned their

anger on the Senator from Maine.

This was, I believe, particularly true in the later stages of the primary campaign. Deliberately false statements about Senator McGovern's position on such matters as the legalization of marihuana, amnesty, abortion, and even the legalization of prostitution were put out in Ohio, Nebraska, and California, and they were made to seem the work of the campaigns—or even the statements of the candidates themselves—of Senators Jackson and Humphrey. In California, leaflets deliberately distorting the record and maligning the character of Senators Humphrey and McGovern were issued in the name of the other, rival candidate. Thus both Senator McGovern and Senator Humphrey were led to believe that the other was involved in a vicious campaign of distortion and vilification, and any reuniting of factions—normally the course in a Democratic campaign after the primaries—became far more difficult. I think it is a reasonable question

whether Senator Humphrey would have lent himself to the so-called California Challenge in June and July of 1972 had he not become convinced—because of the Nixon campaign's planned sabotage—that Senator McGovern's campaign had attacked him unfairly in May.

We know that an insulting telephone call was placed to AFL-CIO President George Meany in June by someone masquerading as the McGovern campaign manager, Gary Hart. How much of Mr. Meany's hostility to Senator McGovern's campaign can be attributed to this or other such incidents is difficult to measure. So, for that matter, is the impact of numerous similar fake telephone calls to local union and party officials during the fall campaign, all of an insulting nature and all from people purporting to be McGovern campaign officials.

In short, what was created by the sabotage effort was an unparalleled atmosphere of rancor and discord within the Democratic Party. And, as Mr. Segretti perhaps unwittingly revealed before this committee, that was the aim—and the only aim—of the campaign of illegal and unethical acts which he largely executed, but which had been carefully conceived by the various assistants, counsels, special assistants and

special counsels to the President of the United States.

Mr. Dash. Mr. Mankiewicz, for the record, and the committee's purpose, would you briefly state your professional background leading

up to your career in political activities?

Mr. Mankiewicz. I have an undergraduate degree from the University of California at Los Angeles in the class of 1947, along with Mr. Haldeman, Mr. Ehrlichman [laughter], the class the stars fell on. I have a degree in journalism from the Columbia University School of Journalism, and a law degree from the University of Cali-

fornia at Berkelev.

I practiced law in Los Angeles from 1955 through 1961, and in 1961 I went in the Peace Corps. I was the country director in Peru for 2 years and the Latin American regional director for 2 years. From 1966 to the middle of 1968, I was press secretary to Senator Robert Kennedy. I worked briefly at the Democratic convention in 1968 in behalf of Senator McGovern. Thereafter I was, in collaboration with Tom Braden, a syndicated columnist and television commentator until 1971, and in May of 1971 I joined Senator McGovern's campaign through the election of 1972.

My political activity began, I suppose, in California. In 1950 I was a candidate for the State legislature. Thereafter I was elected to and became active in the Los Angeles County Democratic Central Committee and was active in a variety of ways as volunteer in a number of Presidential and statewide campaigns in California. But my sort of official political activity consisted of service in the campaign of Senator Kennedy in 1968, briefly of Senator McGovern's in 1968, and as the political director of Senator McGovern's campaign in 1971 and

1972.

Mr. Dash. Could you state briefly what your function was in that last role you played during the Presidential campaign of 1972 for Senator McGovern?

Mr. Mankiewicz. No.

Mr. Dasн. You can't say it briefly ?

Mr. Mankiewicz. I cannot say it briefly. Mr. Dash. Just give us a brief outline.

Mr. Mankiewicz. In general-

Mr. Dash. I know you worked very hard, Mr. Mankiewicz.

Mr. Mankiewicz. As I think Mr. Stearns indicated this morning, the table of organization was not as hard and fast as perhaps people believe in a Presidential campaign. In general, I was the inside man of the McGovern campaign through the convention. I was involved in financing, raising funds, to some extent checking on expenditures, media, press, a variety of things in the national headquarters until the convention, and from the convention on I traveled with Senator McGovern's traveling party and was gone probably 5 or 6 days a week. Those in general, were my responsibilities.

Mr. Dash. Perhaps, as I just continue with some of the other questions, you may be able to indicate your response with regard to a particular function, which may further elaborate on what you were doing

during the campaign.

What I would like to do, Mr. Buchanan, is to get your reaction to certain evidence that is already before the committee. [Laughter.]

Mr. Mankiewicz. The laughter is because you called me Mr. Bu-

chanan, I think.

Mr. Dash. I am sorry, but the buzzers sometimes interrupt the

thinking processes.

As a matter of fact, the slip was perhaps because I am going to be referring some Buchanan memos to you. Did you, by the way, hear the testimony of Mr. Buchanan?

Mr. Mankiewicz. Yes, I did.

Mr. Dash. What I would like to have you do, Mr. Mankiewicz, is to react to some of the memorandums, not specifically Mr. Buchanan's memorandums but some of the exhibits that we have had before this committee, primarily produced when Mr. Segretti testified. But by way of introduction, we have had, through Mr. Buchanan's testimony, memorandums that were presented in the record, what, in effect, was the grand strategy of the Republican Party in the campaign of 1972. I want to make it very clear that the strategies as presented in the Buchanan memorandums are not intended to be presented at this time nor were they intended to be presented earlier when Mr. Buchanan was a witness for the purpose of indicating any wrongdoing or perhaps unethical or improper conduct, but perhaps to demonstrate political strategy that was, in fact, set down from the memorandums, and was later implemented by certain agents such as Segretti and the agents who worked for him.

Now, in a memorandum which was dated March 24, 1971,\* which is a part of this record, addressed to the President from Mr. Buchanan, entitled "The Muskie Watch," it is made clear by Mr. Buchanan that the effort of the campaign should be to identify the front runner, which was Senator Muskie, and to use the resources of the Republican Party to affect his chances in the primary in such a way as to have him not come out as the Democratic candidate. One of the strategies suggested by Mr. Buchanan was, on page 3 of that memorandum, that the attack should come not from the right but between the center and the left of the Democratic Party; it should focus on those issues that divide Democrats, not those that unite Republicans. It should exacerbate and elevate those issues on which Democrats are divided, forcing Muskie

to either straddle or come down on one side or the other.

<sup>\*</sup>See exhibit No. 170, Book 10, p. 4146.

Then, a number of those issues are later identified on page 4—a special reference, by the way, to Mr. Muskie's personality as an individual who perhaps cannot react under pressure, and the racial issue, his stand on abortion, and some others.

Then further on, in a memorandum that was prepared by Mr. Buchanan and identified by him for the record, addressed to the Attorney General and Mr. Haldeman entitled "Dividing the Democrats," Mr. Buchanan set forth some strategies, during the primaries, of what acts should be followed or take place in order to divide the Democrats, and a number of things such as supporting sort of liberal or leftwing positions of the Democrats rather than rightwing positions.

Then, on page 5 of that memorandum is a recommendation that toplevel consideration should be given to ways and means to promote, assist, and fund the fourth party candidacy of the left Democrats and

of the black Democrats. [Reading:]

There is nothing that can so advance the president's chances for reelection, not a trip to China and not a 4½-percent unemployment rate, as a realistic black campaign.

Black complaints: As we did with Muskie, we should continue to champion the cause of the blacks within the Democratic Party, elevate their complaints as

being taken for granted.

Finally, another memorandum that I want to refer to is a memorandum of April 12, 1972, from Mr. Buchanan to John Mitchell and Haldeman\*\* which states in its opening paragraph:

Our primary objective, to prevent Senator Muskie from sweeping the early primaries, locking up the convention in April, and uniting the Democratic Party behind him for the fall, has been achieved, and the likelihood, great 3 months ago, that the Democratic convention could become a dignified coronation ceremony for a central candidate who would lead a united party into the election is now remote.

My reference in that memorandum, Mr. Mankiewicz, to Senator Mc-Govern's candidacy—on page 8 of that memorandum: "Our next goal is the caption: 'What we need now is a decision on whom we want to run against. We believe that McGovern is our candidate for dozens of reasons,' "as set forth in his memorandum.

He closes that memorandum by saying:

McGovern has a long shot at the nomination, a very long shot, but if he wins, we win. Let us let him have his run at the nomination and assist him in every way we can. Today he gets 5 percent of the Democratic vote nationally and R.N. swamps him in the polls and people do not yet know what a wild man he is. McGovern is the one.

Now, that was Mr. Buchanan. He identified these memorandums, and generally that this was various political strategy recommended by him. He did not indicate that he himself had any operational role but was an idea man.

Before the committee, we have had testimony from Mr. Donald Segretti.

Did you ever come across the name of Donald Segretti during the 1972 campaign, Mr. Mankiewicz?

Mr. Mankiewicz. Not until I began to read about him in the Washington Post.

<sup>\*</sup>See exhibit No. 179, Book 10, p. 4197. \*\*See exhibit No. 183, Book 10, p. 4226.

Mr. Dash. That was after the campaign, was it not? Mr. Mankiewicz. I do not think so. I think it was—

Mr. Dash. No. I am sorry: October is the first time.

Mr. Mankiewicz. Yes.

Mr. Dash. Did you ever come across the name of Donald Simmons or any other Republican operative in the California campaign or the Florida campaign?

Mr. Mankiewicz. No; but I believe our California headquarters turned up a volunteer card that Mr. Segretti had signed during the

Mr. Dash. We have testimony from Mr. Segretti, and it is already in the record that he was hired by Mr. Chapin, the President's appointments secretary, to hire agents and go into a covert operation to infiltrate campaigns and to produce demonstrators, pickets, and a number of other activities that would specifically, as a strategy in Donald Segretti's testimony before this committee—divide Democratic candidates-in the primary, and that his assignment was to go to the various important primary States and enlist the aid of those agents in those States.

I think I have given you a copy of the exhibits which were part of the record when Mr. Segretti testified and were entered in the record, and you have them before you. If you would turn to your tab 2 [previously entered as committee exhibit No. 200 and appears in

Rook 10, p. 4269] in that list of exhibits, Mr. Mankiewicz.

Mr. Mankiewicz, Yes.

Mr. Dash. You will see a memorandum which has already been made a part of this record, which is a blind memorandum. It has no name attached. But Mr. Segretti testified that he received this memorandum from Mr. Chapin, and that it reads:

From now on, we want to have at least one Muskie sign in among demonstrators who are demonstrating against the President. It should be Muskie for President in big letters and should be held in locations so that it is clearly visible. At Muskie events or events by other Democratic hopefuls, there should be a sign or two which goads them. For example, at a Muskie rally, there should be a large "Why not a black Vice President" or perhaps, "We prefer Humphrey," or something else that would goad him along. At Humphrey rallies, there would be Muskie signs; and at Kennedy rallies, there should be Muskie or Humphrey signs; and so on. These signs should be well placed in relationship to the press areas so a picture is easy to get.

Now, Mr. Segretti has testified that he followed this advice. In any of the primaries that you are aware of, did you see any of the evidence that this particular recommendation actually was carried out?

Mr. Mankiewicz. Well, I think there were a number of demonstra-

tions of it. I think, Mr. Dash, that in reference to those Buchanan memorandums, the point ought to be made that people who give political advice, particularly over a period of years, as Mr. Buchanan did to the President and as I have done on at least one occasion, and perhaps two-really two-there is a tendency as events develop to make them self-confirming and to point out that what has happened is not only what you predicted but what you brought to pass. I have a feeling that some of the claims in the Buchanan memorandums are somewhat excessive, and that Mr. Buchanan, being a political realist, would probably concur that it does very little to send a memorandum to your principal, saying: "Everything I told you back in September has turned out to be wrong." It provides a better flow to put it the other way.

I mention that because on April 11, when Mr. Buchanan was saying, "Our objective to weaken Senator Muskie," or whatever it was that you have just read, "has now been accomplished." There is a suggestion there that he had accomplished it. I have a feeling that it was accomplished by other forces, and indeed, Mr. Buchanan so testified.

It is also significant that, I think, at the time that he was saying, "We must now give Senator McGovern a run at the nomination on the 11th of April," Senator McGovern was indeed the leading candidate and that it was also about that time, as I recall—perhaps a situation where the right hand didn't know what the left was doing—that Mr. Hunt was transferring an honor student from Brigham Young from his spying at the Muskie campaign, into performing the same function at the McGovern campaign.

But all through the primaries, we saw this kind of activity that is related in the Chapin memorandum, beginning early in the New

Hampshire campaign.

Mr. Dash. Well, during the campaign and all through the primaries, did it ever occur to you or Senator McGovern in any discussions with him or in any discussions that you had with the professional staffs of any of the Democratic candidates, that there was working in the primaries a Republican agent operative to do undercover work of this kind?

Mr. Mankiewicz. No, it did not. As a matter of fact, I think we all drew the reasonable conclusion—I know that in New Hampshire, for example, there were a couple of things done to Senator Muskie. I have since discovered that the Muskie campaign people believed that the McGovern campaign people had done those things. There was every reason to believe that; it was a two-man race.

In California, for example, when some of the more reprehensible things would appear, I would occasionally talk to the Humphrey campaign manager there and tell him that we had not done those things, and vice versa. But I don't think either of us believed the other, be-

cause there was no reason to.

Mr. Dash. There was not only no reason to believe that it was, perhaps, not you, but that the opposition—meaning the opposition party—

who, in fact, was doing it.

Mr. Mankiewicz. I think, Mr. Dash, it goes to the point I made originally. In California, for example, if a document appears as it did, ostensibly from a group called Democrats for a Peace Candidate and it vilifies Senator Humphrey, distorts his positions and makes him appear ludicrous and indeed the author of every atrocity in Vietnam, ending with My Lai, Senator Humphrey's people are going to believe that that is a product of his opposition. His opposition was not Mr. Nixon at that point but Senator McGovern. So the Humphrey people believed we did that and it was reasonable to believe that.

Mr. Dash. You covered your statement by saying: "This is not politics as usual." I think it would be helpful in the record before this committee to find out whether this is true or not. You have also, by the

way, engaged in research.

The testimony before us is that an astute politician such as, say, Senator Humphrey, who has had quite a bit of experience in political campaigns should have been aware of the fact that this is the way things are done and rather than look to blame one of his opponents in the primary, which was a fellow Democrat—should have known that perhaps there was an agent from the opposition party at work.

Now, is this true or not?

Mr. Mankiewicz. That is precisely the point I am trying to make, that if this were indeed politics as usual, if men as experienced in American politics as Senator Humphrey and Senator McGovern believed that this was the kind of thing that went on all the time, then it might have occurred to them that perhaps the Nixon forces were doing these things. But they didn't believe that. It is not customary in American politics.

If you see a vile leaflet that comes out, the assumption is that it comes from your opponent, if anyone, but certainly not from some distant campaign, particularly if it is the President of the United

States masquerading as your opponent.

Now, it is true that Senator Humphrey and Senator McGovern both were at least students of, if they had not had experience with, past Nixon campaigns. It may have been that they should have been more alert. But they were not.

The point I am making is, it is not politics as usual. The ordinary assumption when a piece of literature like that comes out is not to

assume that it is anything but what it appears to be.

Mr. Dash. You have also indicated, I think, in your statement and in your information that you have given to the committee concerning your background and the activity you are now engaged in—I understand you are engaged in research and a book involving Presidential campaigns. Have you found in your research, in addition to your activities in political campaigns, any tradition of this kind

of activity?

Mr. Mankiewicz. I have talked to people who were active in Republican and Democratic Presidential campaigns since the fifties and all of them have told me that they find astonishing and dangerous the notion that somehow, this is done in all campaigns. People like Cliff White, for example, who managed the Goldwater campaign in 1964. I spoke to James Hagerty, who was one of the leaders in the Eisenhower campaigns in 1952 and 1956; Larry O'Brien and others who were in the Democratic campaigns in the sixties, and they all say the same thing. And the experience of others is the same, that this espionage, this deception, this putting out literature claiming to be in support of one candidate when in fact it is financed by another, is unprecedented.

Mr. Dash. Why don't we take a look at one particular example, which I think you have referred to in your statement, which was a particularly scurrilous piece of literature. It is tab 10 [previously entered as committee exhibit No. 206 and appears in Book 10, p. 4280] of the exhibits there that are in the record and Mr. Segretti testified before this committee and identified this particular item, which is a letter that is typed on "Citizens for Muskie" stationery, which Mr. Segretti said that he had reprinted or rephotographed. It is purportedly a message from the Citizens for Muskie or from the Muskie campaign, to "fellow Democrats." This is a letter which I will not read here, as I did not read when Mr. Segretti was here, out of respect for both Senators Humphrey and Jackson, and also Senator Muskie. But this is the letter which falsely accused Senators Jackson and Humphrey of serious sexual misconduct and other acts which would be quite shocking to the fellow Democrats who received it.

Mr. Segretti said that he not only photographed and made up the stationery from copies he had, but actually made up the letter, made up the names, and it was an entirely false statement; that none of the accusations were true and that not a large number were distributed; but he saw to it that the candidates and their staffs got it.

Now, you have that before you. Were you aware, by the way, of this particular "Citizens for Muskie" letter that circulated in Florida?

Mr. Mankiewicz. Yes, I was.

Mr. Dash. Can you give us a brief description of the impact of that letter in the Florida primary among the candidates, as you knew it as a worker in that election?

Mr. Mankiewicz. Well, I think there were two reactions to it. I think there may have been some people who thought that since it said Citizens for Muskie, it had come from the official Muskie organization.

But I doubt that there were very many people who thought that, because the letter is so vile that someone would have had to be rather ignorant of Senator Muskie's record and the standing of the people who worked for him to assume that. I think the general feeling was that some low-level Muskie operative, perhaps, had in an unauthorized way taken some of his own campaign stationery and made up this thing.

But I think there were also others who probably thought that since this was a letter which simultaneously defamed Senator Jackson, Senator Humphrey, and Senator Muskie for having circulated it, that perhaps the letter was prepared by still a fourth candidate who would benefit from these people being smeared, namely, Senator McGovern.

Mr. Dash. Did you in fact have that kind of accusation made against

you?

Mr. Mankiewicz. Some of the people who worked for Senator Muskie said that was their feeling at that time.

Mr. Dash. Do you think the letter was calculated to produce that

result?

Mr. Mankiewicz. I am not sure it was that sophisticated, but I think the calculated result of this letter is that people would either get mad at Senator Muskie or at Senator McGovern, and that in any event——

Mr. Dash. People did get mad, did they not?

Mr. Mankiewicz. People would get mad, and it would create friction or rancor among the Democratic candidates. It would hardly have been calculated to win votes. I understand they only circulated

20 or 30 of them, but they mailed them to the right people.

Mr. Dash. That is correct, and this followed, as I have indicated, the testimony that we had from Mr. Segretti that his purpose was to engage in this kind of activity to divide the candidates and to create the bitterness. As a matter of fact, he said it was the usual tradition for the Democrats to fight in the primaries but rally behind the candidate that comes out of the convention.

Mr. Mankiewicz. That is correct.

Mr. Dash. And his job with his agents was to sow such bitterness that whoever came out of the convention would not be able to get the

others to rally around him.

If you will look at tab 6 [previously entered as committee exhibit No. 158 and appears in Book 10, p. 4055], this is the leaflet which has been introduced on at least two occasions before this committee

and testified to on at least two occasions. It was a leaflet which has at the lower left-hand corner the label "Citizens for a Liberal Alternative." And the one that has the photograph of Senator Muskie smoking a big cigar, and a slogan "Wake up Liberals! Is This the Man You Want in the Oval Office?"

Mr. Mankiewicz, Yes.

Mr. Dash. And such statements as "Muskie added himself publicly to the list of political opportunists in opposing abortion reform. What kind of a man is Ed Muskie? He is a wheeling-dealing, ward-heeling politician, Ed Muskie would be no different from the Nixons, Agnews, Mitchells, Connallys we have now. He is the candidate of the Demo-

Mr. Mankiewicz. I am very familiar with that leaflet. Mr. Dash. Did you see this leaflet during the campaign?

Mr. Mankiewicz. I saw it for the first time in New Hampshire.

Mr. Dash. Were you aware at the time you saw that leaflet that it was prepared, as has been testified before our hearing, by Mr. Ken Khachigian, Mr. Buchanan's assistant; was edited by Mr. Buchanan and actually was printed by the Committee for the Re-Election of the President?

Mr. Mankiewicz. No; I was not aware of that.

Mr. Dash. And also it is the testimony before this committee by Mr. Porter that he paid approximately \$100, I believe, to Mr. Roger Stone on one occasion to go to New Hampshire to leave a leaflet, I believe at Senator McGovern's headquarters.

Mr. Mankiewicz. That is right.

Mr. Dash. Mr. Stone has already informed this committee in interviews with the staff of the committee that this particular leaflet was

left at the McGovern headquarters.

Mr. Mankiewicz. I think it is an example, by the way, Mr. Dash, that the White House was playing dirty tricks on Senator McGovern as early as late February, even though Mr. Buchanan would place that at a later date.

But this leaflet caused a lot of trouble because—

Mr. Dash. Can you describe the kind of trouble it gave you?

Mr. Mankiewicz. It was planted at the McGovern headquarters, I think, as the testimony here showed, and then a copy of it was taken, I believe, to the Manchester Union Leader, where the people at the newspaper were told they could find it at the McGovern headquarters. The Muskie campaign people complained in this case to me about the leaflet and I must say leaving it to my impression, with a rather sink-

ing feeling, that it had been prepared by Stewart Mott.

Now, Mr. Mott at that time was not a McGovern supporter, but he was a Muskie opponent. Mr. Mott had taken on for himself the job of seeing that Senator Muskie did not win the nomination. He did not particularly care who else won it; he was making small contributions at the time to Senator McGovern, Congresswoman Chisholm, Senator McCarthy, and, I believe, Mayor Lindsay; and he had set up a number of committees and had sort of taken on singlehandedly the job, we thought, of attacking Senator Muskie. And this leaflet seemed to me to have his stamp on it.

Mr. Dash. Well, the leaflet which would have a committee "Citizens for a Liberal Alternative" attacking Senator Muskie would be inter-

preted to be supported by what candidate really?

Mr. Mankiewicz. Well, at that time in New Hampshire certainly, only by Senator McGovern. He was the only candidate who could be described, I think in New Hampshire, as a liberal alternative to Senator McGovern or at least would have been by Stewart Mott.

Mr. Dasн. Senator Muskie.

Mr. Mankiewicz. Senator Muskie. But Mr. Mott told me he did not put out the leaflet, but I was convinced at that time and later that the Muskie campaign believed that Senator McGovern was indeed responsible for this leaflet.

Mr. Dash. Did you have any occasion to see that leaflet anywhere

else in the country?

Mr. Mankiewicz. I think we saw it also in Wisconsin, and perhaps in Pennsylvania.

Mr. Dash. Mr. Segretti had testified——

Mr. Mankiewicz. Almost all of the primaries up to the time that Senator Muskie withdrew from the race.

Mr. Dash. The record will show Mr. Segretti has testified he received between 500 and 1,000 and spread them all over the primary

States, including California, as well.

If you will also look at tab 13 [previously entered as committee exhibit No. 209 and appears in Book 10, p. 4284], having referred to Mr. Mott, Mr. Segretti testified before this committee on this particular exhibit, which was entered in the record, that he took this ad that Mr. Mott did place in various newspapers, the ad that attacks Senator Muskie, with the heading "Disgusting: The Secret Money in Presidential Politics," and calls on Senator Muskie to make an accounting for the money, and he calls it the "Committee for Honesty in Politics." It is identified as Stewart R. Mott, chairman.

Mr. Mankiewicz. Yes.

Mr. Dash. But you will notice at the bottom there is an additional two paragraphs or two sentences that Mr. Segretti said he added to this ad, and they are: "Now he says he will disclose the fat cats behind him," referring to Muskie. "After he has lost badly in Florida and cried in New Hampshire, why is he waiting for full disclosure? Is it to fix up his books?" And then the last two sentences: "The committee will look for your names as part of Muskie's fat cats. They had better be there." The reference to that last couple of sentences is that this particular pamphlet, according to Mr. Segretti's testimony, was handed out in Los Angeles at a Muskie fundraising dinner and given to the people attending that so they would see at the bottom "That the committee will look for your names as part of Muskie's fat cats and they had better be there." Were you aware of this pamphlet?

Mr. Mankiewicz. I was aware of the basic pamphlet but not of the message at the bottom, or that, if it aimed directly at contributors of a dinner, I dare say it might have inhibited their contribution.

Mr. Dash. Since Mr. Mott had been identified with supporting Mr. McGovern, if this was being handed out by Mr. Segretti, a Republican agent under Mr. Chapin's supervision, the people attending that dinner would have reason to believe what candidate was distributing it.

Mr. Mankiewicz. Well, they certainly would have had reason, not only the people attending the dinner but Senator Muskie's campaign people would have additional reason to believe Senator McGovern

was campaigning in an unfair manner against Senator Muskie and

they did so believe.

Mr. Dash. I think you may be aware—if you will turn to tab 23. Mr. Mankiewicz. I might point out, Mr. Dash, that this Committee for Honesty in Politics was Mr. Mott's sole creation and had no connection at any time with the McGovern campaign. Indeed, periodically I would try to dissuade Mr. Mott from putting these ads in the newspapers because I felt it was of no help to the position that he espoused.

Mr. Dash. Turn to tab 23 [previously entered as committee exhibit No. 219 and appears in Book 10, p. 4299]. You will note another leaflet which bears a similarity on the leaflet we have just talked about.

Mr. Mankiewicz. What is the tab?

Mr. Dash. Tab 23.

Mr. Mankiewicz. Tab 23, yes.

Mr. Dash. This one, instead of being Muskie and instead of being "Citizens for a Liberal Alternative," is purportedly a committee called "Democrats Against Bossism, T. Wilson, chairman." Mr. Segretti has testified that he was that committee. He made it up; and this one shows a picture of Senator Humphrey holding a big fish, and it shows Humphrey at the top with the slogan, "A Fishy Smell for the White House?" and similar anti-Humphrey statements charging him with bossism, linking him to bad union activities, and things of that nature.

Did you ever come across that leaflet?

Mr. Mankiewicz. Yes; I came across that in California. California was a two-man race. This was one of the leaflets, I think, that enraged Senator Humphrey and his partisans because they believed it came

from the McGovern camp.

There was another leaflet very similar to this in which that fish on the cover was present but the face of Senator Humphrey had been cropped and put on to the fish, and the line underneath, instead of saying "A Fishy Smell for the White House" said "There is Something Fishy About Senator Humphrey," and instead of being from the "Committee Against Bossism, T. Wilson, chairman," it was called the "Democrats for a Peace Candidate, T. Wilson, chairman." Otherwise the copy was the same.

Mr. Dash. That particular committee, Democrats for a Peace Candidate, has already been testified to by Mr. Segretti as also being Mr.

Segretti.

Mr. Mankiewicz. Right; and notice a bumper sticker here as tab-

Mr. Dash. Tab 20.

Mr. Mankiewicz. Tab 20 [previously entered as committee exhibit No. 216 and appears in Book 10, p. 4295], which says of Humphrey, "He Started the War, Don't Give Him Another Chance," and that is also from the Democrats for a Peace Candidate, which turned out to be Mr. Segretti.

Mr. Dash. Yes; he testified he prepared the bumper sticker and he

was that committee.

Mr. Mankiewicz. Those things were all believed by the Humphrey people, during the California primary, to be the work of the McGovern campaign and none of our denials would dissuade them from that.

Mr. Dash. How serious was the rift or bitterness that developed

from these kinds of papers?

Mr. Mankiewicz. I believe it was very serious. There were counterparts—similar-type leaflets about Senator McGovern from equally

fictitious committees which we believed to be the product of the Humphrey campaign and we didn't believe their denials. I had a number of close friends, political associates, who were working in the Humphrey campaign. Those friendships were severely strained in that campaign and perhaps have not been totally restored. I think Senator Humphrey and Senator McGovern themselves, who had been close friends prior to that campaign, had a considerable strain placed on their relationship and, as I said in my prepared statement, I have a feeling it was this kind of thing that made Senator Humphrey more willing to support the so-called California challenge immediately after the primary. We were no longer opponents; we had become enemies, and I think largely as a result of this kind of activity.

Mr. Dash. Do you also have a view as to this kind of activity which also attacks Senator Muskie or how it affected Senator Muskie's rela-

tionship with Senator McGovern?

Mr. Mankiewicz. I think the things done here to Senator Muskie had a similar effect. In New Hampshire, for example, late-night phone calls were made from people, imitating what they believed to be the accent of black Americans, claiming to be representatives of the Harlem Committee for Muskie. These calls came around midnight and were made to people in New Hampshire in areas where people go to bed considerably earlier than they do in New York.

Mr. Dash. Mr. Mankiewicz, we haven't had testimony of that particular incident. Do you have any particular evidence as to who the

source or what the source of that was?

Mr. Mankiewicz. I have no idea what the source was, but I know it was not the McGovern campaign, just as I know the McGovern campaign was not the source of the famous Canuck letter. I don't know who the source was, but I think we have a pattern of activity here now which would at least cause the burden of proof to shift and require some kind of proof that it was not the work of the same people who put out this kind of material.

Mr. Dash. What evidence did you have that would give you some reason to believe there was anything other than bitterness or a separation of friendship concerning Senator Muskie's relationship with Sen-

ator McGovern, especially after the California primary?

Mr. Mankiewicz. I have been told that by people who were in Senator Muskie's campaign, that they believed Senator McGovern was the source of the dirty tricks against Senator Muskie, not only in New

Hampshire but in other primary States as well.

I have no way to probe how deeply these things affected his decision, but I know that shortly after the California primary, Senator Muskie spoke here at the National Press Club and was widely believed, including by his campaign manager as late as midnight the night before, to be about to endorse Senator McGovern. He did not. I think the course of the 1972 campaign would have been vastly different if he had; as I say, I don't know how much it contributed, but I certainly think that a man who had spent the last 4 months believing that Senator McGovern was out to insult him, to make this kind of dirty trick, to make him seem the kind of person that he was not, would certainly be less willing to make that endorsement. I think it entered into that decision, just like it entered into Senator Humphrey's decision to join in the California challenge.

Mr. Dash. On a number of occasions, Mr. Mankiewicz, specifically in the testimony of Mr. Haldeman and testimony of Mr. Buchanan and some other witnesses, we have had the name "Dick Tuck" presented to the committee, and references to Dick Tuck that what was being done here and the kind of activities that were being sponsored against the Democratic candidates was a Dick Tuck-type activity.

Do you know Dick Tuck?

Mr. Mankiewicz. I know him very well.

Mr. Dash. How do you know him?

Mr. Mankiewicz. I met him, I guess, in the 1960 campaign in California. We worked together. I guess he worked for me most of the time in the 1968 Robert Kennedy campaign, and he worked in the 1972 campaign briefly. I was responsible for his being hired in the 1972 campaign, and in the interim I see him from time to time, and I would say we are friends as well as associates.

Mr. Dash. Our resolution does not permit us to really go into earlier campaigns other than the 1972 campaign, but knowing what Dick Tuck did during any campaign, including the 1972 campaign, if he was active, are the things that I have shown you in these exhibits which Mr. Segretti has identified as his handiwork, would you say or characterize these things as Diele Tuck two activities?

acterize these things as Dick Tuck-type activities?

Mr. Mankiewicz. No, I would not; not remotely.

Mr. Dash. What would the difference be? What characteristic of these activities would not be characteristic of Dick Tuck's activities?

Mr. Mankiewicz. Well, in the first place, a total lack of humor. In the second place, these are serious, almost vicious allegations with respect to other candidates which Mr. Tuck has never gone into at all. Mr. Tuck's function really in a campaign is to amuse—to restore, sometimes, a needed sense of humor to a campaign.

Mr. Dash. Did he engage in deception?

Mr. Mankiewicz. No; he never engaged in deception. On the contrary, no one was quicker to claim credit for the things he did than Dick Tuck. That was an important part of the activity. He never deceived. It was always clear who was doing things. He was always around, very visible, never went under another name. There was a student down in New Hampshire which I thought Dick Tuck had done for us, he says he did not, but it seems to me a perfect example of a Dick Tuck-type activity, although somewhat a little weaker, perhaps, than some of the things he did, gentler maybe, but then it was New Hampshire.

Mr. Dash. What was that?

Mr. Mankiewicz. In New Hampshire when any candidate files for the Presidential primary, the Governor sponsors a sort of coffee-and-cake reception in the statehouse after the candidate has filed his papers, and when Senator Muskie went up there in January 1972 they had this reception, and as the guests finished their coffee, they all discovered that underneath the coffee as they turned up their cups, pasted on the bottom looking up at you, was a replica of a McGovern campaign button. Now, that doesn't get into the league of some of the things we have been talking about here. But it is in my view toward the bottom range of a Dick Tuck-type operation, and as a matter of fact, I called Dick that afternoon to congratulate him on it, and he said no, he hadn't done it, but I assume it was done by a disciple.

Mr. Dash. Was Dick Tuck, in fact, hired by the McGovern campaign in 1972?

Mr. Mankiewicz. He was hired in late 1971, yes; and remained with the campaign, I think, until around midspring of 1972.

Mr. Dash. Was there a particular activity he recommended which

you didn't approve?

Mr. Mankiewicz. He did some things for us. I know it damages his reputation to say so, but Tuck is a good workman in a political campaign on projects that are considered straight. He is a good research man and he is a good press man. He did some research for us in New York in the 1972 campaign, compiling some material from newspapers and other sources on Mayor Lindsay. He did come up with a Dick Tuck-type trick in 1972 and we weren't able to do it because we didn't have the money and I couldn't convince other people in the campaign that it had high enough priority.

Sometime in the summer of 1972 President Nixon went to John Connally's ranch to meet with a number of Republican contributors at a big barbecue. They all flew in, in private airplanes, to the airstrip there and Tuck proposed to put two trucks at the airstrip, one a Brinks truck, and the other a simple white paneled truck with the Spanish words for Mexican laundry painted on the side. [Laughter.]

He even went so far as to check with me what the precise language would be, but it was going to cost \$500 or \$600 and we couldn't spare the money. It was a pity. I thought it would have livened up the campaign [laughter] and perhaps pointed out a moral or two.

Mr. Dash. Now, Mr. McMinoway has testified fairly recently to his activities as an infiltrator in various campaigns—Senator Muskie's campaign in Wisconsin, Senator Humphrey's campaign in Pennsylvania, Senator McGovern's campaign in California, Senator McGovern's campaign in the District of Columbia, and Senator McGovern's headquarters in the Democratic Convention at the Doral Hotel in Miami. He indicated that he had a security post and that he was very close to a number of the top McGovern workers; in fact, actually sat in with Senator McGovern in a suite on the evening of the California delegate vote and sat and watched TV with him.

Did you come across or meet Michael McMinoway?

Mr. Mankiewicz. I have no recollection of ever meeting him. I saw him on television last night and he did not seem familiar to me in any

way. I do not recall ever meeting him.

On the other hand, people in our campaign have told me that he was used as a volunteer to sit at a desk on the 16th floor of the Hotel Doral and clear people who were going from the 16th floor up to the 17th floor, which is where Senator McGovern was and where the McGovern campaign nerve center was. I am prepared to believe that he was sitting there, in which case I probably saw him four or five times a day, but I do not remember ever having a conversation with him beyond perhaps an exchange of pleasantries as I passed by.

Mr. Dash. There are a number of buttons which Mr. McMinoway has testified to that campaign staff members had and each was of succinct importance in gaining access to certain areas in the headquarters. He said he had all three buttons. Actually, was there a particular

button that only a few people had?

Mr. Mankiewicz. There was a special button that the Secret Service issued to perhaps seven or eight staff people in each campaign. It

was red before the convention and white afterward and said "1972 Staff." I know he did not have one of those.

Mr. Dash. How many buttons all together, staff buttons? Mr. Mankiewicz. I have no idea. There must have been all kinds of other buttons.

Mr. Dash. He said he had all kinds of buttons.

Mr. Mankiewicz. I will tell you, Mr. Dash, we were not very security conscious at the Doral beyond having a control point to know who was coming up to the 17th floor. Beyond that, people could roam around and did.

Mr. Dash. For a person to receive one of the staff buttons that gave him access to security areas, what would be the procedure on the staff

before such a person would be given that staff button?

Mr. Mankiewicz. Well, we had a man named Anthony Borash who ran the security at the hotel for us and who probably took volunteers to sit at the desk and probably do a few other things to maintain some order. But actually, we did not care very much what went on below the 16th floor. We had that control point there, and I would assume he would pass out the buttons.

Mr. Dash. Would be pass out the buttons to everybody or just in fact

to staff employees?

Mr. Mankiewicz. To people who were working for him. I presume that button would have gotten him access to the 16th floor. But I am quite sure he did not spend that Monday evening with Senator

Mr. Dash. Senator McGovern has already given Senator Montoya a sworn affidavit, which was read into the record this morning, that he has never seen Mr. McMinoway.

Mr. Mankiewicz. He might have come into that room on occasion to deliver a message or something like that, but beyond that, I find it

hard to believe-

Mr. Dash. He also stated that when he was in Milwaukee, he went into McGovern headquarters and observed McGovern workers preparing posters such as, "We want a leader, not a crybaby" and other types of anti-Muskie posters and that they were preparing for an anti-Muskie march and that he noticed there were McGovern workers who had demonstrated against Senator Muskie. He also noticed that there were McGovern workers who tore off Senator Muskie signs in the Milwaukee area and I think also in California.

Now, I think prior to your appearing as a witness, I have given you that information and you may have actually heard his testimony. Have you made any effort to check to see whether or not there is any corrob-

oration of that in the McGovern headquarters at Milwaukee?

Mr. Mankiewicz. I have. I talked to Gene Pokorney, who was director of the McGovern campaign in Wisconsin, and, of course, neither he nor I can say for sure what went on in every McGovern headquarters in the State at any given time. He does say that the student coordinator that Mr. McMinoway says he was working with was not in the Milwaukee headquarters. He spent his time in Madison and Eau Claire and other places where there was a student population, but he says it is possible that that sort of thing happened, although he doubts it

<sup>\*</sup>See exhibit 241, p. 4743.

strongly. I find it very improbable and so does Pokorney, because at that point, we did not feel we were running against Senator Muskie. All our polls and all our delegate counts we had indicated that at that point, it was a two-man race for the nomination, between Senator McGovern and Senator Humphrey. We were afraid Senator Muskie was going to withdraw and if he did, his votes, by and large, would go to Senator Humphrey and we were anxious to keep him in the race. I think it most improbable that McGovern people would have done anything of an anti-Muskie nature in Wisconsin.

In addition to which, part of what Rick Stearns testified to this morning, our polling indicated that the strategy Senator McGovern had followed from the beginning in New Hampshire was correct, which was that he should resolutely refrain—and so should his campaign people—refrain from attacking any other candidate, that his strength lay in the fact that he was perceived as a positive candidate

rather than a negative one.

Mr. Dash. Mr. McMinoway—I mean, Mr. Mankiewicz—

Mr. Mankiewicz. I would rather be called Buchanan than McMinoway.

Mr. Dash. I have been referring to a number of the operatives and

agents names over a period of months that we have been sitting.

Mr. Mankiewicz, in these months that have floated before us, actually in the last couple of weeks, we have had testimony about so-called pranks or tricks, political espionage, from various witnesses, that run the gamut from having certain persons at a rally or at a meeting, place hard questions to the candidate, to using stinkbombs, to infiltrate, to doing the kinds of things that I refer to in these exhibits that Mr. Segretti testified that he was engaged in. I think it would be very helpful to the committee if someone with your experience in a Presidential campaign could aid us as we begin to look at this range of activity, and which unfortunately, we have heard is run-of-the-mill and which you have denied is run-of-the-mill activity, if we can get your recommendations. If we were to consider looking at campaign activity for the purposes of legislation or recommending codes of ethics, even, where you would draw lines in terms of permissible conduct and impermissible conduct?

Mr. Mankiewicz. I think it hinges on the question of deception, Mr. Dash. I think almost everything is permissible if it is identified as to its source; in other words, if a McGovern supporter wants to go to a Muskie rally where there will be a question period and ask a hard question of Senator Muskie, I see nothing objectionable about that. If, on the other hand, he is secretly a Nixon supporter posing as, let us say, a McGovern supporter or a Humphrey supporter, in order not only to ask a question of the candidate but to embarrass the candidate

he is allegedly supporting, that is something else again.

I think the whole question goes to one of deception. I think probably the most damaging thing in the political arena is if we come to believe that a piece of literature identified as coming from one candidate, in fact does not come from him but comes from someplace else. Then nothing will be believable. Then if a candidate makes a statement on an issue, one will not be able to know whether indeed he made that statement, stands behind it, supports it. When a piece of literature comes out saying Muskie for President or so-and-so for Senator, one

has to believe that that is indeed where it is coming from. If we can no longer believe that, then I think the process has perhaps been irreparably damaged. I would hope that there could be legislation pro-

posed here which would outlaw that kind of deception.

Mr. Dash. Does it not go to the heart of it, Mr. Mankiewicz, when you point your finger at deception, such things as infiltration, deception such as a person representing himself as a person who is working for that candidate when he is in fact a spy, paid for volunteering and giving back information and these leaflets. If the free-election system is to permit candidates to express their positions and present issues to the American electorate, is there any room in American politics, in the free society we call our American free society, for any political party, whether it be the Democratic Party or the Republican Party, to promote the kind of deceptive practices that manipulate votes through misrepresentation?

Mr. Mankiewicz. I not only believe there is no place for it, I believe that there has not, until the 1972 campaign, the 1972 Nixon campaign, been any place for it, that it existed. Now we know it can be done.

I must say I heard Mr. Buckley testify a few days ago that he did not think there was any crime involved in taking documents from one candidate under the guise of working for him and being a messenger, photographing them and turning them over to another candidate.

Mr. Dash. Does this offend your sense of ethics?

Mr. Mankiewicz. It does. It not only offends my sense of ethics, I find it hard to believe it is not illegal. If it is not, it should be. When a man goes to a man engaged in a Presidential campaign and claims to be working for him and in secret is working for somebody else, that ought to be illegal. When a statement is put out on Senator X's stationery and in fact it is a statement of Senator Y, or more likely President Y, that ought to be illegal as well. The question goes to sanctions.

Mr. Dash. The criminal sanction may not be during an election a very effective one?

Mr. Mankiewicz. That is right. I would hope the committee might turn its attention to the question of sanction in the electorial area.

Mr. Dash. Could you give us a suggestion of the kind of area?

Mr. Mankiewicz. I have not given it a great deal of thought, but it seems to me that if the penalty, for example, for this kind of illegal behavior were, to make an analogy in sports, if a fighter hits below the belt, he loses the round and he can win the fight only by winning a majority of the rounds. That is a serious penalty.

Mr. Dash. An analogy in the election would be what?

Mr. Mankiewicz. Maybe the candidate loses that State. Maybe he is ineligible to be on the ballot. I do not know. I am just throwing these out. I do not suggest for 1 minute that they are reasonable solutions or even constitutional ones. But it seems to me if the penalty went in that direction, rather than saying, you have to pay a fine of \$100 or the candidate can sue you and 5 years later find that you are judgmentproof and not collect anything, or it is a misdemeanor and you may have to pay a fine or be on probation or whatever it is, I do not think that is enough. I think we have to look at different kinds of penalties, because we are dealing with a very fundamental kind of activity.

Mr. Dash. Mr. Mankiewicz, we did not, in asking you to come as a witness, either give you the time or ask you to prepare specific recommendations. But I think with your experience, with the research you are presently doing, it would be very helpful to the committee if you would think a little about these things.

Mr. Mankiewicz. I will be happy to.

Mr. Dash. And if you have some recommendations you would like to submit to the committee, we would appreciate it very much. The kinds of recommendations ought to be workable and practical ones, and not theoretical ones; and I think coming from a person who was active in a campaign and was in the pit, I think perhaps we would be able to find that a much more useful recommendation.

Mr. Chairman, I have no further questions at this time.

Senator Montoya. Mr. Thompson.

Mr. Thompson. Thank you, Mr. Chairman.

Mr. Mankiewicz, do I understand your opinion is that the Segretti activities did not really influence that many votes, but it caused disruption in the opposing camps and caused disharmony and discord among the various Democratic candidates?

Mr. Mankiewicz. That is substantially correct, yes.

Mr. Thompson. Was there not an inherent effort, say, in a primary campaign among the Democratic candidates themselves to create a certain amount of disharmony among the various candidates opposing that person?

Mr. Mankiewicz. Not if I understand your question correctly, my

answer would be no.

Mr. Thompson. I will be right to the point. I came across something that I would like to ask you about, because I am not sure of the import of it myself.

Mr. Richard Dougherty—what position did he hold in the

campaign?

Mr. Mankiewicz. He was traveling press secretary after the convention.

Mr. Thompson. Have you had a chance to read his book "Good-bye Mr. Christian"?

Mr. Mankiewicz. I have read in it very briefly. I haven't had a

chance to read it all.

Mr. Thompson. I have not had an opportunity to read the entire book, but I notice here on page 69, the bottom paragraph. I believe this is in November or December of 1971 when this came about. He says:

In the mail the next morning was a memo from Gary Hart addressed to Mankiewicz, Gralnick, and me. It said we should move the story in whatever mysterious ways such stories are moved that the Muskie campaign is urging committed McGovern supporters to switch to Muskie to stop Hubert Humphrey. Humphrey is being used as the villain to encourage liberals to rally around the Muskie candidacy. We should drive the wedge deeper, but use it against Muskie in such a way as to increase Humphrey's displeasure with Muskie.

Do you recall that memorandum, which, according to him was sent to you?

Mr. Mankiewicz. I don't recall the memorandum, but I recall that feeling and that discussion, yes.

Mr. Thompson. Could you enlighten us as to what-

Mr. Mankiewicz. Well. I see a great deal of difference there.

Mr. Thompson. I am not trying to draw any comparison.

Mr. Mankiewicz. But if what you mean is to-I see that, Mr. Thompson, as the driving of an electoral wedge in Garv Hart's phrase, rather than a personal one. I think what he was saying was that Senator Muskie's people were at that time—it was really our Valley Forge there—the end of December. Our supporters were melting away and there hadn't been very many of them to begin with. What Senator Muskie was doing, and rather effectively at that time, was suggesting to people in the Democratic Party that if they didn't want Senator Humphrey to be the nominee, then he was the alternative, that they had better rally around him and not be dividing between him and Senator McGovern. What Gary Hart was saying is let's try to combat that by whatever the device was that he was talking about, by point-

Mr. Thompson. Leaking the story, I assume.

Mr. Mankiewicz. Well, leaking is a pejorative word there. He was describing a fact and he was saying we ought to get the press-

Mr. Thompson. Move in whatever mysterious ways such stories are

 $\mathbf{moved}.$ 

Mr. Mankiewicz. Yes, get the press to write about it. Gary always professed ignorance of the craft of a press secretary, which we were very zealous to guard, because the fact is there is no craft at all. But we would have to maintain the proposition that there is. What he was saying is: Let's get the proposition across somehow to the public that we know that Muskie is trying to do this, when in fact, there was still a contest going on and we should keep the division between the Humphrey supporters and Muskie supporters. But not over the question of personality. Not over the question of whether one of them is guilty of some terrible sexual deviations, but only as to their positions

Mr. Thompson. I am not trying to relate this.

Mr. Mankiewicz. I understand.

Mr. Thompson. I think we have to draw an overall picture as to whether or not the falling out among the various candidates, if that is what it was, had to do with what Donald Segretti and some of his people did totally or whether it was in part due to the natural operations of a political campaign. And stories, whether they are true or not, are designed to increase a candidate's displeasure with another candidate.

Mr. Mankiewicz. It is unquestionably a mixed question. There are all kinds of reasons that go into it, but I think the anger and the rancor and the bitterness was far stronger this year than it has ever been and I think it is at least in large part attributable to this kind of campaign.

Mr. Thompson. If you will allow me, I will give a plug to your new book, which I believe is coming out very soon, is it not?

Mr. Mankiewicz. Yes, it is.

Mr. Thompson. What is the name of that book?

Mr. Mankiewicz. It is called "Perfectly Clear; Nixon From Whit-

tier to Watergate."

Mr. Thompson. Did you discuss the matters concerning the significance of the sabotaging in the primary, the Segretti type activities in your book?

Mr. Mankiewicz. I go into it to some extent, yes.

Mr. Thompson. How did you analyze it there? Substantially as you did here?

Mr. Mankiewicz. Substantially as I am today.

Mr. Thompson. Did you add any-

Mr. Mankiewicz. No, the major emphasis that I placed there was on this larger question of, to what extent has this kind of activity taken place in other campaigns.

Mr. Thompson. And you analyzed the previous campaigns of 1968,

1964?

Mr. Mankiewicz. 1960 and I guess 1956.

Mr. Thompson. All the way back, every Presidental campaign back to 1956?

Mr. Mankiewicz. Yes, and some in 1952, as well.

Mr. Thompson. What did you find, for example, as a matter of comparison? Is the unique factor of this situation the fact of the Segretti type activities, the attributing of certain literature to a person who, did not in fact sponsor that literature?

Is that the unique part? We are not saying that unfair advantage and improper activities have never occurred in any previous campaign,

are we?

Mr. Mankiewicz. No, in my discussions of people in other campaigns, I was talking more about the more hurried things that we have heard about before this committee—wiretapping, the placing of spies, that sort of thing. I asked each of those campaign managers. I said, if you had the guaranteed opportunity without any fear of detection, of having a full electronic surveillance and wiretap on everything the opposing candidate and his headquarters were doing every day, plus a few well-trained spies at every headquarters, would you do it?

And without exception, they all said no, they would not.

Mr. Thompson. I know Mr. Cliff White, for example, one of the gentlemen you mentioned, and yourself.

Mr. Mankiewicz. That is right.

Mr. Thompson. And, of course, Senator Baker said the other day he felt that the professional politician has taken a bum rap throughout this whole thing.

Mr. Mankiewicz. I agree.

Mr. Thompson. Would you pretty much agree that what we have seen in the testimony has not been thought out or carried out by a professional politician as you would describe one?

Mr. Mankiewicz. That is right. The point I have made is that it is not characteristic in any way of Republican or Democratic campaigns.

Mr. Thompson. We have heard some talk, some testimony, I believe, alluding to the 5 o'clock club in a previous campaign, when they met at the White House and discussed various aspects of the campaign.

Do you have any familiarity with that kind of activity that was

discussed there?

Mr. Mankiewicz. I discussed that with Mr. Myer Feldman, who was chairman of that group in the 1964 campaign. That was a rather mysterious name for really, a sort of immediate issues group. The function of that group was to find out what Senator Goldwater either had just said or was about to say and provide surrogates, although in those days, they didn't have that word, with informa-

tion with which to answer him, preferably on the scene, preferably before he spoke.

That involved sending volunteers over to pick up advance copies

of speeches and press releases and schedules.

Jim Hagerty, by the way, told me that in 1956, he arranged with his counterpart at the Democratic campaign to exchange schedules and speech texts so they wouldn't be bothered with sending volunteers over to pick them up.

Cliff White commented on the practice of football coaches in exchanging the films. He said he thought that was a better analogy,

or at least one that ought to be practiced.

Mr. Thompson. Are you familiar with the story, I believe by Mr. Lisagor, where he states that former President Johnson told him that Senator Goldwater, during the campaign, was going to announce that he was going to send Ike to Vietnam if elected and that subsequently, Mr. Goldwater did make that announcement, and there was some question as to how that information was obtained.

Do you recall that story or any circumstances about it?

Mr. Mankiewicz. No, I do not.

Mr. Thompson. You mentioned Mr. Stewart Mott and you said you were concerned at one point that he might have been the author of the "Citizens for a Liberal Alternative."

At what point did this matter reach your attention and at what

point did vou---

Mr. Mankiewicz. I think it was during the New Hampshire primary. I believe it was Berl Bernhard who was the manager of the Muskie campaign who called and told me about the leaflet. I got a copy of it. He said that he thought this was a very bad thing, that we shouldn't have done it.

I said, well, we didn't do it, but I must say, it looks to me as though maybe Stewart Mott did it and we have absolutely no control over him.

Mr. Thompson. What caused you to think that?

Mr. Mankiewicz. Well, if you will look at the other leaflet that Mott did do, it has the same sort of tone.

Mr. Thompson. Which came out first?

Mr. Mankiewicz. I think the true Mott document, whatever it is alled, the citizens responsibility project or whatever it was.

called, the citizens responsibility project or whatever it was.

Mr. Thompson. Mr. Mott, I believe, contributed approximately

\$350,000 to the Senator Muskie campaign, did he not?

Mr. Mankiewicz. No, Senator McGovern's campaign.

Mr. Thompson. I am sorry, Senator McGovern's.

Mr. Mankiewicz. He did, but only from June of 1972 on, or perhaps earlier than that, slightly earlier than that. At the time we are speaking of, he had not become a supporter of Senator McGovern's and did not do so, I think, until after Wisconsin. He made a rather small contribution early in the campaign and told us he was making a similar contribution to three other candidates. He made us a loan, at one point, for the purpose, I think, of a television broadcast, which we repaid. Then he made his major contribution over the late spring and summer.

Mr. Thompson. Did you have any personal contact with him during any of this period of time?

Mr. Mankiewicz. Yes, I did.

Mr. Thompson. Did he furnish various homes for meetings and

things like that?

Mr. Mankiewicz. No, what he did, as Rick Stearns testified this morning, he assumed that somehow, the McCarthy-Lindsay-Chisholm-McGovern and perhaps some other candidates could somehow get together, and he provided his home occasionally for a meeting for representatives of those campaigns, which we always dutifully attended, because we had high hopes that eventually he would support us and make a substantial contribution. But he never provided his home, that I know of, for a McGovern meeting during that time.

Mr. Thompson. Would you agree that the piece that he put out of his own material was a pretty scurrilous piece of literature referring to Senator Muskie as a liar and that his father was a draft dodger

and things of this nature?

Mr. Mankiewicz. What was your characterization of it, scurrilous?

Mr. Thompson. Scurrilous.

Mr. Mankiewicz. I would not argue with that characterization.

Mr. Thompson. Did you ever talk to him about that?

Mr. Mankiewicz. I urged him on a number of occasions not to do it.

Mr. Thompson. Did it ever come to your attention that there had been a discussion or plan at one point in the campaign to plant a spy

aboard either the Nixon or the Agnew campaign plane?

Mr. Mankiewicz. Late in the campaign, in the fall, I would say late September, maybe October I believe, there was a proposal not to plant a spy but a proposal by a would-be spy to take on that activity, a young journalist, who had some credentials and, I think, proposed not to me but I believe to Ted Van Dyk, that he would go on the Agnew plane and keep his ears open and see if he could pick up any of the kind of gaffs and statements that were made on the Agnew plane in 1968, and I think he wanted us to pay his expenses, and we turned it down.

Mr. Thompson. How did it come to your attention?

Mr. Mankiewicz. I think Van Dyk, I may be wrong about this, but I think Van Dyk and Henry Kimmelman, who was our finance chairman, met with me and described the possibility and said that this offer had been made, and we decided for a variety of reasons not to do it.

Mr. Thompson. Did they present it to you in the nature of a possible program that might be carried out, and the three of you were to de-

cide together as to whether or not it would be?

Mr. Mankiewicz. Well, they reported that the offer had been made, yes. I think everyone's disposition was to turn it down. I think everybody had his own reasons for it, for turning it down.

Mr. Thompson. Do you know Mr. Rodney Smith?

Mr. Mankiewicz. I am not sure how well I know him. I know he worked for us in the campaign.

Mr. Thompson. Did you ever discuss this matter with him?

Mr. Mankiewicz. No.

Mr. Thompson. Do you know whether or not the situation had reached the point where credentials, false credentials, had been obtained for the young man?

Mr. Mankiewicz. My understanding was that he had credentials.

Mr. Thompson. He already had credentials aboard the Agnew—

Mr. Mankiewicz. Well, I assume they would have been sufficient. He was in fact representing a couple of publications and that he felt at least those would be sufficient, but it never got to that.

Mr. Thompson. What was the proposal—that he was to find out what

he could and report it back to you?

Mr. Mankiewicz. Yes, he was sort of going to do the same kind of thing that Murray Chotiner provided on our plane. We did not know about Chapman's friends at that time, but that was, in effect, what he was proposing.

Mr. Thompson. What was Walter Sheridan's function during the

campaign, Mr. Mankiewicz?

Mr. Mankiewicz. Walter was an investigator. He is one of the best investigators and for a while investigative reporters that I know of. He was employed in the McGovern campaign—I am a little hazy on the dates but, the financial records would show it—I would think perhaps mid-August, and worked until the middle of October when we, temporarily at least, ran out of money or at least indicated that maybe we had made our last payroll. His main job was to report to me on the status of the Watergate investigation, the Watergate case. I was traveling with Senator McGovern at that time. There was very little news except in Washington, and Walter's job was not only to keep us up to date on the material that appeared in the press, but also to try to stay a little bit ahead of it. He knows a lot of reporters and was able from time to time, to tell us stories that were going to appear or were about to appear, and in that way we were able to keep Senator McGovern up to date on Watergate day by day.

In addition, he also did a rundown on the executive committee or whatever it was, it turned out, I guess, to be the whole committee, of the Democrats for Nixon, to let us know which ones of them were in trouble with the Government, which ones were only in prospective trouble with the Government. He did that by consulting public records over at the Justice Department and FTC and elsewhere. That was his basic job. He may have had a couple of things that he undertook from

time to time, but he was basically reporting to me.

Mr. Thompson. Why did you need to know what Democrats for

Nixon were in trouble with the Government?

Mr. Mankiewicz. Because it seemed to me, frankly, Mr. Thompson, that that was why they were Democrats for Nixon.

Mr. Thompson. They were in trouble with the Government?

Mr. Mankiewicz. I had a feeling that perhaps that might have animated some of them, yes.

Mr. Thompson. Did you have any basis for that knowledge, or was

that an assumption on your part?

Mr. Mankiewicz. Well, it was in part an assumption. We knew that some of them had had some kind of tax trouble and that sort of thing.

Mr. Thompson. Do you know how many Democrats for Nixon were

in the country, according to their figures, anyway?

Mr. Mankiewicz. Well, I imagine a sizable number of Democrats voted for Nixon. The number that were members of that organization. I have no idea.

Mr. Thompson. What about John Connally, did you assume that possibly he was in trouble with the Government, that was the reason

he headed Democrats for Nixon?

Mr. Mankiewicz. No. no.

Mr. Thompson. Did you obtain any information on him?

Mr. Mankiewicz. No. Mr. Thompson. Why?

Mr. Mankiewicz. Why did we not? I guess there was not any of the kind we were looking for.

Mr. THOMPSON. You had to look in order to make that determination,

did you not?

Mr. Mankiewicz. I was not thinking of Secretary Connally. We always assumed that he was in the process of moving to the Republican Party in any event. He had served as Secretary of the Treasury; there was every reason for him to support Nixon.

Mr. Thompson. There were certain Democrats for Nixon—

Mr. Mankiewicz. Well, they used to take ads and list 20 or 30 sort of prominent types. I mean, as it turned out, of course, the Committee To Re-Elect the President was paying all the bills of that organization. It was not really an organization at all. So it is hard to determine how many members it had.

Mr. Thompson. Did Mr. Sheridan ever check these names with the Justice Department or the Price Commission or any other governmen-

tal agency?

Mr. Mankiewicz. He either did himself or headed up a small force of volunteers who would monitor the lists of contributors that the Nixon campaign would publish from time to time, when it began to comply with the April 7 Financing Act, and we would run those names against decisions of the Price Commission to see if any of them had received favorable consideration. We found out some things through that device. I think we found out about Clement Stone's insurance company getting unlimited price increases that way.

Mr. Thompson. What about the Justice Department?

Mr. Mankiewicz. I am not sure whether he ever developed any information from the public records of the Justice Department or not.

Mr. Thompson. But you are sure they were all from public records? Mr. Mankiewicz. Oh, yes; yes, I am. As you recall, the Justice Department was not very hospitable to our campaign at that time, at that point in time.

Mr. Thompson. You know there will be a complete turnover in the

Justice Department as administrations change, do you not?

Mr. Mankiewicz. By 1972, it looked pretty complete to me.

Mr. Thompson. Do you have any information concerning Dick Tuck having printed the phone numbers of the top GOP staff attending the

Republican Convention and publishing the phone numbers?

Mr. Mankiewicz. No, I do not, but it is plausible. I do not know what he did at the Republican Convention. At both conventions, he published a newspaper called "Reliable Source" which had some funny stories.

Mr. Thompson. But you do not know anything about this particular

incident, to your personal knowledge?

Mr. Mankiewicz. No, I do not.

Mr. Thompson. Did the McGovern campaign have what is referred to as a truth squad and what you referred to in the campaign as truth squad?

Mr. Mankiewicz. I understand a truth squad to be a collection of usually public officials following the other candidate around collect-

ing what the candidate believes to be errors and untruths from city to city. In that sense, we did not, because the other candidate did not go around and campaign. There was no one to follow.

Mr. Thompson. Did you have any method or procedure whereby you developed information on people in the administration during

the campaign?

Mr. Mankiewicz. Could you be more explicit?

Mr. Thompson. Well, people surrounding the President, for example, any information concerning any of these people which could be used in some political way?

Mr. Mankiewicz. Only, I think, only in respect to their participa-

tion or only to the extent of their participation in the Watergate.

Mr. Thompson. Only with regard to the Watergate?

Mr. Mankkiewicz. I believe that is the only thing I recall.

Mr. Thompson. I believe you stated previously to us that Mr. Sheridan furnished you with a notebook of some kind or you kept a notebook which he supplemented, and you did not recall if you still had that. Do you know today whether or not you have it?

Mr. Mankiewicz. I do not. Mr. Thompson, but if I do not have it, I know where it is; and if you will still want that, I believe I can

Mr. Thompson. Thank you, I have no further questions.

Senator Montoya. Mr. Mankiewicz, all throughout the hearings we have heard some of the witnesses say in an exculpatory manner, they used the words or the sentence "They all do it," or "It is politics as usual with respect to dirty tricks."

Now, can you capsulize your reaction to this, and tell us whether it is general or whether it is prevalent in every election and, if not, why

 $\operatorname{do}\operatorname{vou}\operatorname{think}\operatorname{so}$ ?

Mr. Mankiewicz. I think those statements are part of the coverup, Senator, and I think they are very damaging. I think if we come out of these hearings with a substantial number of the American people believing that this sort of thing is politics as usual and that they all do it that the country will have suffered very badly. I don't believe it is politics as usual. As I said I don't know anybody else that does it. I know we didn't, I don't know of any other campaign that did. In the course of my talking to people in other Presidential campaigns I am convinced it is only the Nixon campaigns that do this.

Senator Montoya. I have been in many campaigns myself and these instances are very isolated. They are not politics as usual, and when they do occur we uncover them. I am referring to quite a few instances in the last 12 years in State, local, and national campaigns. But would you agree with me that this is the first time that this kind of an approach, a dirty tricks approach, has been under the auspices of a

Presidential campaign structure?

Mr. Mankiewicz. With the possible exception of 1968. I am not convinced about 1968 but certainly in general, yes, I would agree with that statement.

Senator Montoya. Would you say that this was broader than 1968? Mr. Mankiewicz. Yes. Yes, I would. I think this is, at least the evidence that's come out certainly is, totally unprecedented as far as many of the activities are concerned.

Senator Montoya. Can you tell us about the other dirty tricks that were practiced on the McGovern campaign, and who they were prac-

ticed by?

Mr. Mankiewicz. Well, Senator, I am unable to identify who they were done by, and it may be that many of the things that we now categorize as dirty tricks that were done to the McGovern campaign were by freelance people, by a certain number of kooks that I guess one always runs into in a political campaign, but I think with all of the evidence that we have here there is a reasonable presumption that some, if not all, of them were done by agents of the Nixon campaign.

I spoke of the events in New Hampshire. There were, I would say, between 20, 30, 40 cases throughout the campaign, not only in the spring but also in the fall when the people who were in charge of McGovern campaign events would be called and told, whoever was calling, was from the McGovern campaign that the event was not going to take place, the Senator was not coming or changing the date or the time when, in fact, that was not the case, the result of that would be delayed preparations for the meeting a day or so and then it would be put back on.

We have evidence that in Los Angeles, for example, just prior to a big rally at the Sports Arena every radio station in town was called at about 5 o'clock that evening by someone purporting to be from the McGovern press office, announcing the meeting had been canceled and that cancellation was then put out on all the radio stations, and it cost

us a full house by the time we were able to correct the report.

There are a lot of examples of that. There are a lot of examples of traditional Democratic leaders and labor people being phoned at embarrassing times with insulting messages and being told to be at a certain meeting which never took place. I am thinking particularly in New Jersey of a couple of times labor people in Jersey City and, I believe, in Newark, were called and peremptorily ordered to be at a meeting with Sargent Shriver at 8 o'clock in the morning, and they were called about 5:30 or 6 in the morning and told it was a McGovern coordinator calling and told to be at a meeting at 8 o'clock and, of course, a meeting was not scheduled, it had never been put on, it all contributed to a lot of bitterness in the Democratic Party.

Senator Montoya. What about the call to President Meany of the

AFL-CIO?

Mr. Mankiewicz. That call came prior to the Democratic Convention, about a week before. Somebody called to President Meany's secretary, asked to speak to Mr. Meany, was told that he was not there. The caller said, "Well, this is Gary Hart, Senator McGovern's campaign manager, and if Mr. Meany knows what is good for him, he will be in New York tomorrow to meet with Senator McGovern."

It did not better relations between Mr. Meany and Senator McGovern. Indeed, it embittered them and I have a feeling that perhaps to

this day they still—

Senator Montoya. When did you find out about this call?

Mr. Mankiewicz. I believe it was about 3 or 4 days later because at that time we were trying to set up such a meeting.

Senator Montoya. And what did you do about the call?

Mr. Mankiewicz. Well, Gary Hart was told about it from, I believe, a columnist who reports generally on labor matters, and he called and said that Mr. Meany was furious that this call had been made and had no intention now of meeting with Senator McGovern and was angry. And Gary said that he had not made such a call and indeed he had been out of the city on the day the call was supposed to have been made.

He endeavored to tell Mr. Meany's secretary that he did not make the call. We tried to make it clear that we had not, but I think they believed that he had, and certainly there was no evidence in the record at the time to indicate that anybody else was doing that sort of activity.

Senator Montoya. Were there any calls to Walter Cronkite?

Mr. Mankiewicz. Walter Cronkite called me one day in late September, I believe, and asked me if I had called him the night before, and I said, "No, I had not," and he then proceeded to tell me of a very curious call in which someone had phoned pretending to be me, and had discussed with Cronkite an arrangement, said this person pretending to be me said: "You know, Walter, we have this arrangement where McGovern gets 80 percent of the news coverage and Nixon gets 20 percent and I just want to tell you it's going fine but the press is starting to notice it and you had better shift the balance a little bit." I think at that point Mr. Cronkite got a little suspicious. He got angry at the caller, and he said it didn't sound very much like me but he thought perhaps it was a bad connection or maybe I had a cold or something, but the caller seemed to know my schedule, because he mentioned to Mr. Cronkite I was going to be in New York, whatever the day was, when indeed we were going to be in New York. So it had at least that air of plausibility.

I have never been able to understand the reason for that, except possibly in the hopes that maybe Mr. Cronkite would think there was humor involved and might say something to suggest that there was such an arrangement and if the call was taped he might later see it in

print somewhere, that is his belief that he was being set up.

Senator Montoya. What about the Arab endorsement by the committee and by the Action Committee on Arab Relations in California.

Do you know about that?

Mr. Mankiewicz. I remember it, and I have always suspected it. That is a paper committee that Mr. Mehdi runs, and it is a committee that exulted publicly over the assassination of Robert Kennedy. I remember that very well, and I found it difficult to believe that that committee would endorse Senator McGovern without some inducement but I was never able to prove that one had been provided.

Senator Montona. Did you ascertain whether or not it was a legiti-

mate committee?

Mr. Mankiewicz. I had made up my mind sometime before that it was not.

Senator Montova. Did you ask for the endorsements of this com-

mittee on behalf of Senator McGovern?

Mr. Mankiewicz. No, no; at no time, and indeed we specifically repudiated it at that time.

Senator Montoya. But it was advertised, wasn't it?

Mr. Mankiewicz. Yes; it was and it continued to be advertised long after we had repudiated it.

Senator Montoya. Now, what about the demonstration in the Doral

Hotel lobby in Miami. Do you think that was staged?

Mr. Mankiewicz. I thought at the time there was something wrong with it. The lobby filled up with a number of people dressed in what used to be a bizarre manner either from Miami Beach, they had a number of, it seemed to me, incoherent complaints against Senator McGovern. Some of them wanted to know why Stewart Mott, who had a lot of General Motors stock, was supporting Senator McGovern when

General Motors was committing some terrible act somewhere in the world, I forget what it was. It was not the kind of complaint one ordi-

narily heard.

They filled the lobby and seemed to me to be provoking a conflict with the police. I spoke during that day to Chief Pomerantz of the Miami Beach Police Department and told him that under any circumstances we did not want a confrontation with the police, and he agreed with me. The hotel, of course, wanted only to get those people out of there and were willing to call the police to do so. I finally went down and talked to them and made a deal. If Senator McGovern would talk to them they would leave and they did finally leave, but it struck me at the time they were people dressed as hippies, and then when I heard Mr. Hunt's testimony that he had got Bernard Barker to hire some hippies to walk around the Miami Beach hotels and embarrass Senator McGovern I felt my judgment had been confirmed.

Senator Montoya. Were there similar situations across the country

during the course of the campaign?

Mr. Mankiewicz. There were, Senator, but I am not prepared to say that any or all of them were stimulated by the opposition. They may have been. Certainly we now know it would have been in character for them to be stimulated. There were a number that seemed to be an extraordinary number of people showing up at McGovern meetings with signs saying "Gays for McGovern," and in general, I think there probably was an attempt to make it seem that the McGovern campaign had an unusual number of bizarre people attached to it. We had Mr. Porter's testimony here that, I think it was Mr. Colson, hired a picket to wear bizarre clothing and parade up and down in front of the White House with a McGovern button. I would imagine that that was duplicated at various times around the country.

Senator Montoya. Did you have any breakins at the different Mc-

Govern headquarters throughout the country?

Mr. Mankiewicz. There were some. There was a breakin in the Ohio headquarters and a tile in the ceiling had been tampered with, leading the people there to believe that an attempt had been made to place a bug.

There were some other breakins at various headquarters around the country and some under suspicious circumstances, but, you see, at the time we didn't have the information that we have now, that this was

part of the method of operation of the Nixon campaign.

Senator Montoya. What about the computerized list in California,

what can you tell us about that?

Mr. Mankiewicz. Well, in California our campaign was run in large part by a man named Myles Rubin who had been in New Hampshire and had observed firsthand the success we had had in effect cataloging every voter, Democratic voter, in the State, and going after them to find out their preferences, rating them on a scale of 1 to 5 of how they felt about Senator McGovern and then going out and polling them on election day. I think we got every vote in New Hampshire by that technique. But that was a small State and very few Democratic voters.

California was a big State and Mr. Rubin thought he would go out and hire a computer and do the same thing. He hired a computer firm called "Computer Ideas" which had worked for Democratic candidates in the past, and we had, as you recall, a million of them, Demo-

crats, in California. We were able to put on a computer list the name, address, phone number, age, race, sex, occupation of about 95 percent of the Democrats in the State, and we then had on that printout whether they favored Senator McGovern, were leaning toward him, were undecided, were leaning against him or were opposed to him, one, two, three, four and five, and we used that list on primary day to pull out the people we thought would be our voters.

Now, that firm was either incompetent or worse during the primary. We had a lot of fights with them. They weren't around when we needed them. They left a lot of mail on sidings indeed, at the end of the campaign there was so much undelivered mail they made us a substantial refund, but we won the campaign so we didn't worry so much about

our grievances against them.

But then I discovered just a few months ago, that firm had been bought before we hired them, by Mr. Kalmbach and his associates. Whether they deliberately sabotaged us during the primary or not, I don't know, but I do know after the primary Mr. Kalmbach was then in control of a computerized list of every Democrat in the State of California, with his preferences as to Senator McGovern, and in California if you don't get the votes of a substantial portion of the Democrats if you are a Republican candidate, you don't carry the State. And I believe quite firmly that the possession of that list and the ability to mail directly to the fours and fives on that list, may very well have made the difference in California in November.

Senator Montoya. Mr. Mankiewicz, my time is up.

I now defer to Senator Weicker.

Senator Weicker. Thank you, Mr. Chairman. I just have one

question.

I have been trying to refresh my recollection of matters raised at the very outset of these hearings, and specifically, as I recall, both in testimony given before the committee and in an inquiry which I made of the Internal Security Division of the Justice Department, I think the committee and I were led to believe that the information given by the Internal Security Division of the Justice Department to Mr. McCord and the Committee To Re-Elect the President, was also made available to the Democratic candidates.

Could you comment upon that? Was there any relationship between Mr. McGovern's campaign and the Internal Security Division of the

Justice Department?

Mr. Mankiewicz. I remember that testimony, Senator, and at the time, I tried to get a statement out that it was false, that at no time did we receive any information from the Internal Security Division or anywhere else in the Justice Department, or for that matter, anywhere else in the Government except the Secret Service.

Senator Weicker. There was no contact between Mr. Mitchell's office or any other department of the Justice Department and the

McGovern campaign?

Mr. Mankiewicz. Only covertly, as it turns out.

Senator Weicker. Would you say that the record is quite adequate as the place to draw the line as to what you investigate as far as your opponent is concerned? You have had a great deal of experience here, and the concept of spying has been thrown out on the table. I, of course, flatly reject it. I don't feel it has any part in American

campaigns, and to go through all these convolutions and academic

exercises to justify it, I think is a lot of nonsense.

But clearly, people are looking for where to draw the line insofar as investigation is concerned. To me, in any event, and I would like to have your comment on it, the line is a very simple one. That which is a matter of public record is fair game for a political campaign.

Mr. Mankiewicz. I would go beyond that, Senator, and say not only a question of examining public records, but also acting in a campaign in an open manner. That is, making no attempt to conceal who you are and for whom you are working. I think a more serious question even than poring through trash, for example, or checking on a candidate's personal habits, which I agree is a dangerous precedent, but I think even more dangerous than that is this practice of putting out statements in the name of one candidate, when in fact, they are paid for and put out by another. I think that goes right to the heart of the process.

Senator Weicker. I would agree. I meant to restrict myself strictly to the investigatory process, and I agree on these other matters also.

I might add that even if more sophisticated Washington doesn't get the message, I was interested in noting the other day a poll taken by a very well-known polling firm across the United States, asking the question as to whether or not White House spying on the personal lives of politicians was a justified act or a proper act, and the answer from the American people came back, 83 percent to 8 percent, no. So maybe some people might be trying to justify this kind of business before the committee, but as usual, the American voter has pretty good sense on these matters. He is not buying it, is what I am saying.

Mr. Mankiewicz. I noticed that finding, Senator, with consider-

able gratification as well.

Senator Weicker. I have no further questions, Mr. Chairman.

Senator Montoya. Mr. Mankiewicz, I just have one more question. Do you have any reason to believe that the phones at any of the McGovern headquarters were tapped during the course of the

campaign?

Mr. Mankiewicz. I have no proof of it, Senator, but I believe that they were from time to time. It seemed to me that a number of private conversations between me and, for the most part, Senator McGovern himself in his Senate office, became known very quickly under circumstances which indicated to me that somebody else must have been listening, because they were not matters that either Senator McGovern or I would be talking about.

Now, it is possible that they might have been overheard in some other way. But again, considering what we know, I would, until I can establish to the contrary, I would be inclined to think that perhaps

they were.

Senator Montoya. Well, as a matter of fact, Whenever a telephone is bugged, it is very hard to detect it, is it not?

Mr. Mankiewicz. I believe that to be correct, yes.

Senator Montoya. I believe that has been the expert testimony adduced here.

Mr. Mankiewicz. I see testimony from time to time, by telephone company executives, that you do not hear clinkings on the line or anything like that, that it is impossible to detect, and I believe that is correct.

Senator Montoya. Do you have any suggestions as to what this committee should do to try to clean up politics in the United States and to try to prevent the very things that happened by way of dirty tricks?

Mr. Mankiewicz. I share some of the belief that was expressed by Mr. Stearns this morning, that you are not going to be able to legislate decency, and that an enormous amount of decency in American politics depends upon the character of the people who are practicing it. We have made it almost for 200 years now with only one campaign that exhibits these characteristics, and I think that is not a bad record,

if you look at it that way.

I think there are legal or legislative loopholes. I think espionage, purporting to work for another candidate when you are being paid by someone else, should be illegal if it is not already. I think stealing political material from a campaign for the purpose of using it in another campaign can be reached. I think the kind of thing we have talked about here, of publishing a press release or a leaflet in the name of one candidate when, in fact, he is not responsible for the material, should be dealt with very severely. I think people ought to be able to count on the fact that when they see something from a candidate, it is indeed from him.

Beyond that, I think the question of financing is, of course, a very serious one, but I think that seems to be being dealt with. I think we

ought to be heading in the direction of public financing.

But in general, I think the question of disclosure, so that at all times people would be able to know for whom, for which candidate somebody is working, is crucial. But I think we can also be stampeded into a lot of legislation that may not be needed, because what is really needed is that we nominate and ultimately elect public officials and support in campaigns people who have a respect for the system. And in general, we have had that.

Senator Montoya. What do you think of situations where vilification and libelous statementse are made in advertisements, say, on the eve of an election when you cannot deny them or repeal them in any way?

Mr. Mankiewicz. I think that is a difficult area. Libel, free speech, are all mixed in there. I know there are some States that will not permit any paid political material to go out in the 3 days before an elec-

tion or in the 4 days before. I think that is probably useful.

But still, you cannot prevent a candidate from saying anything he wants even on election eve. But I think people are getting a little sophisticated about that sort of thing and probably tend to reject it anyway. I think ultimately, you have to rely on the good sense of the voter.

Senator Montoya. And most of this deceptive material is usually

under the name of some fake committee.

Mr. Mankiewicz. There, I think you can reach it. I think the whole question of committees and who is responsible for them should be tightened up and I think there should be much stiffer penalties. I think if somebody went off to jail for that sort of thing, or as I say, if some political penalty were imposed somewhere along the line, then I think it would stop quickly.

Senator Montoya. Do you have any other suggestions?

Mr. Mankiewicz. No, Senator; I must say I haven't really given an awful lot of thought to legislative solutions, because I have felt

right along that what we were witnessing here was not a breakdown of the system, but a deliberate assault on it by a group of men who had no respect for it. That will happen even if you have the toughest laws in the world, as long as they are prepared to break them.

Senator Montoya. Thank you, sir.

Mr. Dash. Mr. Chairman, I have just one question to follow up on

what Mr. Mankiewicz has been saving.

You have been speaking about drawing the line of deception and relying on the good sense of the voter. I would like to just ask about one other activity which has come before this committee. That is where there are large ads that take up a full page of the newspaper, in which indeed the text of the ad is drafted, say, by the Committee for the Re-Election of the President but payment of the ads is paid out of the campaign funds of the Committee To Re-Elect the President, but there is no indication to the citizen who reads that ad in the newspaper that it comes from the Committee To Re-Elect the President or a particular party, but there are some citizens whose names are signed to it in some sort of committee, a citizens committee that in fact has just been put together by the Committee To Re-Elect the President, say. Is that the kind of thing that would fit into your category of deception?

Mr. Mankiewicz. It gets close to the line, but I think it would. I think there has to be some way devised to indicate not only who the people are who signed the ad, but who is paying for it, and not only who is paying for it, but who is really paying for it. Democrats for Nixon, for example, put a lot of ads in the newspapers and ran a lot of television commercials. It turned out they were all paid for by the Committee To Re-Elect the President. If that fact had been indicated at the time, it might have weakened their impact somewhat. This is

the reason why the deception was practiced in the first place.

Mr. Dash. It really gets down to the question of, if you are going to ultimately rely on the good sense of the American voter, whether or not he is going to have a chance to use that good sense. If he is being misrepresented so that he believes that honest citizens like him, who believe in a certain way, put their own money into paying for such an act, it might influence his views. But if he knew the source of the funds and the source of the rhetoric, he might be able to just recognize from whence it came.

Mr. Mankiewicz. I agree. If those ads supporting President Nixon after the mining of the harbor at Haiphong, for instance, had had a line at the bottom saving, "Copy for this ad furnished by the special counsel to the President and paid for by the President's personal coun-

sel," they might have had less impact.

Mr. Dash. I have no further questions, Mr. Chairman. I want to thank this witness.

Senator Montoya. Mr. Thompson.

Mr. Thompson. No questions.

Senator Montoya. Senator Weicker.

Senator Weicker. No cuestions.

Senator Montoya. I want to thank you. Mr. Mankiewicz.

The committee will stand in recess subject to the call of the Chair. [Whereupon at 4:15 p.m., the committee recessed subject to the call of the Chair.]

### WEDNESDAY, OCTOBER 31, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chair-

man), presiding.

Present: Senators Ervin, Talmadge, Montoya, Baker, and Weicker. Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; Marc Lackritz, W. Dennis Summers, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Michael J. Madigan and Robert Silverstein, assistant minority counsels; Jed Johnson, investigator; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Ron McMahan, assistant to Senator Baker; Ray St. Armand, assistant publications clerk.

Senator Ervin. The committee will come to order. Counsel will call

the first witness.

Mr. Dash. Mr. Chairman, the first witness will be a staff member of the committee, Mr. Marc Lackritz, for the purpose of giving evidence into the record concerning the chart which is to the committee's left. Mr. Terry Lenzner, assistant chief counsel will direct the questioning of Mr. Lackritz.

Mr. Lenzer. Before we start, Mr. Chairman, may we have the chart

entered as our next exhibit?

Senator Ervin. Yes; the reporter will mark it with the appropriate exhibit number.

[The chart was marked exhibit No. 243 and appears on page 4637.] Mr. Lenzner. Mr. Lackritz, can you describe what this chart purports to reflect?

#### TESTIMONY OF MARC LACKRITZ

Mr. Lackritz. Yes. The chart purports to summarize in chronological fashion the polls comparing different Democratic candidates going back to February of 1971, and at the same time the same chronological base shows the activities of a variety of individuals engaged in either surveillance activities, information gathering, or some kinds of sabotage in the 1972 Presidential campaign.

The chart is made out chronologically, as you can see, and there is a color code to relate the standing of the polls of the individual candi-

date with the individuals who are focusing on the specific primaries. So, for example, while Senator Muskie's popularity is demonstrated in the thick black line, the individuals who were focusing on Senator Muskie's campaign are shown here in black bars. Similarly with Senator Humphrey, the dashed green line shows his standing in the popularity polls compared with President Nixon and Governor Wallace, and down here the bars with the broken green line shows the individuals who were focusing on the Humphrey campaign, and so on with Senator McGovern with the broken line.

Mr. Lenzner. Do the color codes also show what geographical areas

the individuals were operating in?

Mr. LACKRITZ. That is correct. On the individual bar there is a notation to show at a particular point in time, where each individual was located in relationship to his activities in the primaries. I think it is interesting to note, first of all, are the polls that back in February, March, April, May, and June of 1971, the figures from polls which comes from the Louis Harris poll reflect Senator Muskie was in front of both President Nixon and Governor Wallace in the three-way race and those points are denoted by asterisks on the top of the chart. This is the same period of time, I believe, when the earlier political strategy, which was introduced with Mr. Buchanan was written.

Mr. Lenzner. Now, the operations that are color coded on the bottom

relate chronologically to the popularity chart on top?

Mr. Lackritz. That is correct, and the reason they are in different colors is to show when specific individuals would shift their focus of their activity to other candidates so one could relate it not only to the polls, but also to the primary elections which are shown above that.

Mr. Lenzner. And what is the lower part of the chart based on,

what information that the committee has received?

Mr. Lackritz. Well, the lower part of the chart is based primarily on the staff interviews that have been conducted by Mr. Armstrong, Mr. Jim Moore, Ms. DeOreo, Mr. Lee Sheehy and other members of the staff.

Mr. Lenzner. You are a staff attorney with the committee, is that

correct? I forgot to ask you.

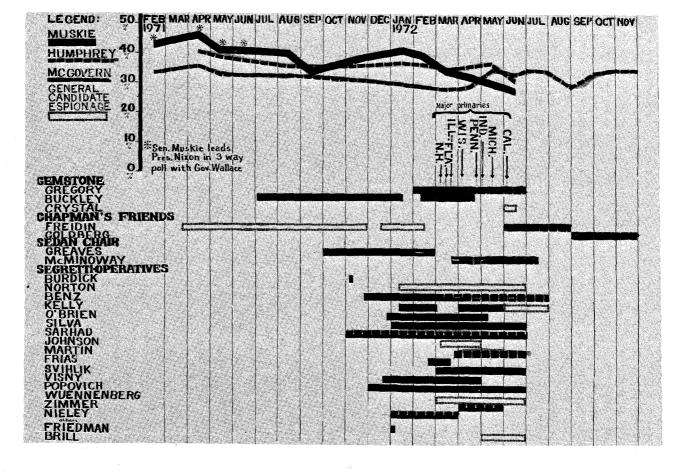
Mr. Lackritz. That is correct.

Mr. Lenzner. Starting under the heading Gemstone, can you briefly describe the activities that Mr. Gregory was involved in based on interviews and other information the committee has received?

Mr. Lackritz. Mr. Gregory, as it shows on the chart, was initially hired in February of 1972 by Howard Hunt to infiltrate the Muskie

campaign.

The chart shows that Mr. Gregory was initially hired in February of 1972 to infiltrate the Muskie campaign by E. Howard Hunt. He was paid \$175 a week for his activities and received a total of \$3,400 over the period of his employment. While working in the Muskie headquarters he was asked to provide information about a variety of different individuals and contributors and he passed this information back to Mr. Hunt in the form of typed memorandums delivered to him on a weekly basis.



Mr. Lenzner. The chart seems to show that he changed from focusing on Senator Muskie's campaign to another campaign. When was

that and what precipitated that change?

Mr. LACKRITZ. Well, as you can see on the chart, in the middle of April he was directed to shift the focus of his activities from Senator Muskie to Senator McGovern by Mr. Hunt. This period of time, as you can see on the popularity poll chart also corresponds to Senator Muskie's decline in the popularity polls at that time.

Mr. Lenzner. Now, I think we have had testimony from Mrs. Harmony and other people that there were memos prepared indicating sources of information to the Committee To Re-Elect and other individuals. We are using codes as the sources of Ruby 1, Ruby 2, and

Crystal. Did Thomas Gregory have a code name?

Mr. LACKRITZ. Yes; Thomas Gregory was known as Ruby 2 since following the activities of John Buckley testified before the committee, Mr. Buckley's activities were referred to as Ruby 1 and Mr. Gregory as Ruby 2.

Mr. Lenzner. Again, how much did Mr. Buckley receive from his

activities?

Mr. Lackritz. Mr. Buckley received approximately \$8,000.

Mr. Lenzner. The name below Buckley is Crystal. What does that reflect?

Mr. Lackritz. Well, Crystal, as you can see, this box over here reflects the placing of electronic surveillance in the Democratic committee, which has become known as the Watergate case.

Mr. Lenzner. Now turning to Chapman's friends can you briefly

describe their activities in what they engaged in?

Mr. LACKRITZ. Yes; Chapman's friends were two newspaper reporters hired by Mr. Murray Chotiner and paid at the rate of \$1,000 dollars a week to travel with the press entourage of different Democrat candidates. Their operation began back in March of 1971 and continued in the middle and all the way through the November election.

Mr. Lenzner. And what do you base, what have you based, the length of period of time for both of those individuals on, what kind

of information?

Mr. LACKRITZ. That information is based on staff interviews that have been held with Mr. Chotiner and others as well as copies of all of the Chapman's friends reports which have been turned over to the committee.

Mr. Lenzner. How much totally was paid to both of those

individuals?

Mr. LACKRITZ. Roughly about \$44,000 was paid in toto to those individuals.

Mr. Lenzer. Now turning to Sedan Chair, can you describe what

activities Greaves was engaged in and who hired him?

Mr. Lackritz. Mr. Greaves was contacted in the fall of 1971 by Mr. Porter, Mr. Magruder, and was asked to engage in a few different activities on the west coast. Specifically he was asked to provide pickets at the appearance of Senator Muskie at Whittier College in November of 1971 which he did, and he was also asked to greet the arrival of Senator Muskie's plane at Los Angeles on one occasion with pickets which he also attempted to do. Later he was sent 25 copies of the pam-

phlet introduced earlier by Mr. Buchanan with the Citizens for a Liberal Alternative. These pamphlets were sent for the purpose of distributing them at a fund-raising dinner with Muskie contributors in which he was to place the pamphlets in the programs of the individuals who were there—when they opened them up they would find the pamphlets. Subsequently, he was hired full-time by Mr. Porter and Mr. Magruder to travel with the Muskie campaign. He went to New Hampshire where he spent about 3 days waiting for opportunities for political activities in New Hampshire. Following these 3 days he went down to Florida where he spent one day in Tampa before resigning from his position. That is demonstrated here.

Mr. Lenzner. Do you recall who recommended Mr. Greaves for

those activities?

Mr. LACKRITZ. Mr. Greaves was recommended for that activity by Mr. Allen Walker.

Mr. Lenzner. Mr. Allen----

Mr. Lackritz. Mr. Ron Walker, excuse me.

Mr. Lenzner. Who was he at the time?

Mr. LACKRITZ. Mr. Ron Walker was chief of the White House advance operations at that time.

Mr. Lenzner. What is he now, do you know?

Mr. LACKRITZ. He is now in charge of the National Park Service, Department of Interior.

Mr. Lenzner. Is that based on interviews with Ron Walker—Ma-

gruder and Walker?

Mr. Lackritz. Yes, sir, and also with Mr. Greaves.

Mr. Lenzner. Mr. Greaves. How much was Mr. Greaves paid?

Mr. LACKRITZ. Mr. Greaves was totally paid about \$3,000 for his activities.

Mr. Lenzner. And McMinoway has already testified he is Sedan

Chair II; is that correct?

Mr. Lackritz. Mr. Greaves was actually known as Sedan Chair and when he resigned, another individual took his place and he was known as Sedan Chair II.

Mr. Lenzner. Who hired him?

Mr. LACKRITZ. Mr. McMinoway was hired by Mr. Roger Stone who was instructed to do so by Mr. Porter who had been instructed to do so by Mr. Magruder.

Mr. Lenzner. How much did Mr. McMinoway receive totally?

Mr. Lackritz. He received totally \$6,000.

Mr. Lenzner. Now turning—we have had testimony from him—turning to the Segretti operatives. I would like you to just briefly summarize those, the names of those individuals from whom we have not had testimony before the committee, starting with Mr. Burdick; has Mr. Burdick been interviewed?

Mr. Lackritz. Yes, Mr. Burdick has been interviewed by the staff in

California.

Mr. LENZNER. What activities did he undertake under that with Mr.

Segretti?

Mr. Lackritz. Segretti hired Mr. Burdick for the purposes of tailing Senator Muskie when he went to Chicago in November of 1971. He followed Senator Muskie for 2 days getting places, cars and travel for Senator Muskie and keeping track of individuals traveling with Senator Muskie. He was paid \$335 for his efforts for the 2 days.

Mr. Lenzner. What was his occupation at the time?

Mr. LACKRITZ. At the time he was a retired individual from the CID who had gone into a private detective service at that time.

Mr. Lenzner. The next name is Norton. What did he do?

Mr. Lackritz. Mr. Norton was a friend of Mr. Segretti's in college. Mr. Segretti contacted him in January 1972. The primary activity of Mr. Norton was helping recruit individuals for Mr. Segretti in San Francisco and Los Angeles. Mr. Norton also secured the services of individuals for Mr. Segretti in East St. Louis, Ill., and set up a post office box where they could contact Mr. Segretti at a postal center in Los Angeles.

Mr. Lenzner. Did he on occasion travel to San Francisco to obtain

recruits for Segretti?

Mr. Lackritz. Yes, he did. On one occasion he traveled to San Francisco and attempted to recruit four or five different individuals and successfully recruited Mr. Silva who is on the chart.

Mr. Lenzner. Now, we have heard from Benz and Kelly. What about

O'Brien?

Mr. LACKRITZ. Mr. O'Brien was hired by a gentleman by the name of Ward Turnquist, who was a friend of Mr. Chapin's from high school. Mr. Turnquist contacted Mr. O'Brien for the purpose of infiltrating the Muskie campaign in Los Angeles, which Mr. O'Brien agreed to do. Mr. O'Brien sent that information back to Mr. Turnquist—back to Mr. Segretti, excuse me, and Mr. Segretti would forward much of it on to Mr. Chapin.

Mr. Lenzner. Mr. Turnquisi's name came to Mr. Segretti from Mr.

Chapin, is that correct?

Mr. Lackritz. That is correct, he was a high school friend.

Mr. Lenzner. Mr. O'Brien has not been interviewed because he is residing outside the country, is that correct?

Mr. LACKRITZ. He is outside the United States, that is right.

Mr. Lenzner. What about Johnson?

Mr. Lackritz. Mr. Johnson was contacted by Mr. Segretti in San Diego, Calif. This is back in the spring of 1972 when the Republican Convention was still being planned for San Diego. Mr. Segretti asked Mr. Johnson to keep tabs on various radical groups who were planning demonstrations for the convention. He contacted Mr. Johnson over this period of time, about 2 months, frequently by telephone, to keep in touch with what was happening with the radicals planning demonstrations at the convention.

Mr. Lenzner. This information was based on interviews with John-

son and Segretti?

Mr. Lackritz. This information is based on interviews conducted with Mr. Johnson and Mr. Segretti, yes, sir.

Mr. LENZNER. What about Michael Martin?

Mr. LACKRITZ. Mr. Martin was contacted by Mr. Segretti in Washington in 1972 for purposes of infiltrating the Humphrey campaign. Mr. Martin did in fact infiltrate the Humphrey campaign for a period slightly over 3 months and was paid \$200 by Mr. Segretti for his efforts.

Mr. Lenzner. And going down to Mr. Visny, can you describe his

activities?

Mr. LACKRITZ. Information on Mr. Visny's activities is based primarily on interviews with Mr. Segretti. Mr. Visny passed away in

an automobile accident last summer. He was Mr. Segretti's contact for the Illinois primary and placed newspaper ads supporting Senator McCarthy in the Illinois primary and also participated in passing out some literature in the Illinois primary.

Mr. Lenzner. And then going down to Mr. Zimmer, can you describe where he operated and what he did?

Mr. Lackritz. Yes; Mr. Zimmer worked in the Pennsylvania primary, primarily. He was contacted by Mr. Segretti at the beginning of April 1972 and was told to work with pickets for appearance by both Senator Muskie and Senator Humphrey. His notes were introduced as exhibits in Mr. Segretti's testimony. They primarily consisted of organizing pickets and occasional hecklers at appearances by Senator Muskie.

Mr. Lenzner. Did he receive funds from Mr. Segretti?

Mr. LACKRITZ. Yes, he did.

Mr. Lenzner. Was he also interviewed?

Mr. Lackritz. Yes, he was.

Mr. Lenzner. The bottom of the chart shows two other names, Friedman and Brill, not connected to Segretti's operation. Can you

describe their activities?

Mr. LACKRITZ. Yes, Mr. Friedman worked for the Republican National Committee and was instructed by Carl Rove to attend a youth leadership conference held by the Muskie campaign back in January 1972. He attended the leadership conference under an assumed name and provided information back to Mr. Rove and others concerning speeches given to individuals who attended the leadership conference.

Mr. Lenzner. Did he receive funds?

Mr. Lackritz. He was on the payroll at the time of the Republican National Committee. He did not receive extra funds for that.

Mr. Lenzner. What about Mr. Brill?

Mr. Lackritz. Mr. Brill was hired by Mr. George Gorton, who was a college friend and with the Young Voters for the President. He was told to sit with the Quaker group in front of the White House to get information concerning their political attitudes and find out any plans they may have had for disruption or attendance at the Republican Convention. He worked approximately 8 weeks and was terminated following the Watergate break-in. He was paid a total of \$675 for his efforts.

Mr. Lenzner. Who asked Mr. Gorton to infiltrate the Quaker group?

Mr. Lackritz. He was told that by Mr. Ken Rietz.

Mr. Lenzner. Was Mr. Rietz following anybody's direction or

requests?

Mr. Lackritz. Yes, Mr. Rietz was following the request of Mr. Magruder, who in turn had been requested by Mr. Colson's office to place somebody in front of the White House with a McGovern

Mr. Lenzner. This was based on, affirmed by interviews with Mr. Magruder, Mr. Rietz, Mr. Gorton, and Mr. Brill; is that correct?

Mr. Lackritz. That is correct.

Mr. Lenzner. Did you also participate in, or did the staff participate in, some advice involving a group called the United Democrats for  $\mathbf{Kennedv}$ ?

Mr. Lackritz. Yes, they did. Mr. Lenzner. Describe that.

Mr. Lackritz. Yes, that is a letter sent out on the letterhead of the United Democrats for Kennedy over the signature of Mr. Robin Ficker, Democrat of Maryland. Mr. Ficker had been contacted by an individual named Mike Abramson, who asked Mr. Ficker if he were interested in supporting a write-in campaign for Mr. Kennedy. Mr. Ficker said he was and was later brought a copy of a letter to sign by an individual he identified as Bill Robinson, who identified himself as a supporter of Mr. Kennedy from 16th Street. Mr. Ficker signed the letter and it was subsequently mailed out to residents of New Hampshire. The mailing was paid for by funds coming from the Committee To Re-Elect the President and the mailing was accomplished by using the Committee To Re-Elect the President's mailing list in New Hampshire. The mailing was sent out and there were subsequent press conferences held by Mr. Ficker urging them to support a write-in for Kennedy.

Mr. Lenzner. Was the letter urging people to write in, in New

Hampshire, primarily votes for Senator Kennedy?

Mr. Lackritz. That is correct.

Mr. Lenzner. And is there information that reflects that the letter was drafted and paid for by the Committee To Re-Elect, and on the mailing list that was submitted by them or used by them, is that based on interviews conducted by this committee?

Mr. Lackritz. Yes, it is.

Mr. Lenzner. Mr. Chairman, I have no further questions of Mr. Lackritz.

Senator Ervin. Mr. Thompson.

Mr. Thompson. Mr. Lackritz, as I understand it, you are stating the facts based upon the polling that was done and not drawing any conclusions from those facts, is that basically correct?

Mr. Lackritz. That is correct, Mr. Thompson. It is just to lay out

the facts of the poll.

Mr. Thompson. And, of course, you have the rise and decline of various candidates there. You have some things that are possibly for consideration before that with regard to the activities of the various Segretti operatives and so forth. That chart does not include other factors which might enter into the rise and decline of a particular candidate such as the public response to the candidate's position on certain issues, does it?

Mr. LACKRITZ. Certainly not.

Mr. Thompson. And it does not consider the fact or the possibility of the ability of the candidates to raise funds?

Mr. Lackritz. No, it does not. There was a very limited purpose in

constructing the chart.

Mr. Thompson. Or the extent and quality of their advertising?

Mr. Lackritz. Certainly not.

Mr. Thompson. Nor the effect of decisions to enter certain primaries or not to enter certain primaries that might prove wise or unwise in retrospect.

I notice here in the chart that Mr. Buckley's testimony—I believe it was—was that he was purloining certain documents from the Muskie campaign at one particular time, copying those documents and sending them back. Mr. LACKRITZ. That is correct.

Mr. Thompson. Is that substantially correct?

Mr. Lackritz. That is correct.

Mr. Thompson. I notice here that Mr. Muskie's most dramatic rise seems to be from the middle of September to the middle of January and Mr. Buckley's activities started the first part of September and continued on past January, but it seems that the beginning of his activities of purloining Senator Muskie's documents and Senator Muskie's rise correspond. Would that be correct?

Mr. Lackritz. Obviously, they correspond on the chart. As you pointed out before, I am not sure we should draw any conclusions

from the chart.

Mr. Thompson. Any correlation?

Mr. Lackritz. I think another interpretation one might offer on the chart, Mr. Thompson, is that obviously, the activities of the individuals would be directed against front runners and one might interpret the chart in that way, too, that an individual's rise and fall seems to be more actively related to these activities.

Mr. Thompson. What about Mr. Greaves, Sedan Chair—whose ac-

tivities?

Mr. Lackritz. Senator Muskie's.

Mr. Thompson. His activities were being carried out during this period of time, too, were they not?

Mr. Lackritz. That is correct.

Mr. Thompson. Mr. Chairman, I have no more questions.

Senator Ervin. Senator Montoya.

Senator Montoya. I have no questions.

Senator Ervin. Senator Inouye.

Senator INOUYE. I have no questions, sir.

Senator Ervin. Senator Weicker. Senator Weicker. No questions. Senator Ervin. Senator Talmadge.

Senator TALMADGE. No questions.

Senator Ervin. Senator Baker.

Senator Baker. I have no questions. Senator Ervin. And I have no questions.

Mr. Lenzner. Just one item, I forgot to go into with Mr. Lackritz. Did you also conduct an investigation with the staff involving the allegations concerning the American Independent Party, and the removal of registered voters names from the list in California?

Mr. Lackritz: Yes, we did.

Mr. Lenzner. Would you just briefly describe the results of that

investigation?

Mr. Lackritz. Yes; an individual by the name of Robert Walters in California was formerly with the American Independent Party. He sought to reregister voters in the American Independent Party to take them off the ballots so Governor Wallace could not run as a third party candidate in California in 1972. He contacted third party individuals and met with Mr. Magruder in the fall of 1971. Mr. Magruder agreed subsequently, after conferring with Mr. Mitchell, to send \$10,000 out to the effort to reregister American Independent Party voters. This was done by sending funds through Mr. Lyn Nofziger, who at that time was at the Republican National Committee, who subsequently had

them sent to Mr. Jack Lindsey, a businessman out in Los Angeles, who subsequently paid the money in four or five different installments to Mr. Robert Walters. Mr. Walters enlisted the help of Mr. Glenn Parker, who formerly had been an organizer with the American Independent Party and also subsequently attempted to have a canvass of individual voters of the American Independent Party to have them change their registration to Republican. This effort required a number of individuals to be canvassers. Among the individuals that were recruited for this effort were members of the American Nazi Party in southern California. We have copies submitted to us of checks that were given to individuals of the American Nazi Party through Mr. Walters' bank account.

Mr. Lenzner. And this information was based on interviews with

the individuals you have just named?

Mr. LACKRITZ. Yes; Mr. Glenn Parker, Mr. Walters, Mr. Joseph Tomassi, who was the individual in the American Nazi Party, Mr. Magruder, Mr. Nofziger, and Mr. Lindsey.

Mr. Lenzner. One other question. On the lower part of the chart, what was the total amount that was paid out to the individuals listed

on that chart?

Mr. LACKRITZ. Well, the sum of all the parts from Gemstone all the way through all the Segretti individuals, also Mr. Brill, but not including the money spent to Watergate break-in comes to approximately \$110,000.

Mr. Lenzner. That is all I have.

Thank you, Mr. Chairman.

Senator Ervin. Call the next witness.

Mr. Dash. Mr. Berl Bernhard.

Senator Ervin. Will you raise your right hand?

Do you swear that the evidence you shall give to the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Bernhard. I do.

Mr. Dash. Mr. Chairman, Mr. Lenzner will question Mr. Bernhard. Mr. Lenzner. Mr. Bernhard, would you state and spell your name and give us your address, please?

#### TESTIMONY OF BERL BERNHARD

Mr. Bernhard. My name is Berl Bernhard, B-e-r-l, last name is B-e-r-n-h-a-r-d.

My law firm address is 1660 L Street Northwest, Washington, D.C.

I live in Bethesda, Md.

Mr. Lenzner. And I notice you are accompanied by some materials

and also individuals. Do you want to identify any of those?

Mr. Bernhard. Yes; I do. I am not, in fact, represented by counsel here, but two of my partners, Ronald Natalie and Harry McPherson and John Merrigan, an associate in my firm, are here because of the voluminous quantity of data which we brought with us today and on which I may need some help.

Mr. Lenzner. Mr. Bernard, you prepared a statement.

Would you like to go ahead and begin to read that statement?

First, perhaps it might be useful if we could just get a brief description of your prior professional responsibilities and activities before

vou begin.

Mr. Bernhard. I have been in Washington, D.C., since 1954. I served as law clerk to Judge Luther W. Youngdahl for a few years, then I went back in private practice. President Kennedy nominated me to be Director of the U.S. Commission on Civil Rights, I was confirmed by the Senate; and served in that capacity for 2 years.

I went back into practice and while I was practicing I served as an adjunct professor of law, Georgetown University. I also served as a consultant to the Office of the Secretary of State for a number of years

while I was in practice.

I also had the job as general counsel to the Democratic Senatorial Campaign Committee, from which job I resigned when I went into the campaign, and to which job I have subsequently been reappointed.

Mr. Lenzner. Thank you, Mr. Bernhard. Why don't you go ahead

and begin now with your statement.

Mr. Bernhard. Mr. Chairman and members of the committee, during this past year, I have had many occasions to reflect on the course of Senator Muskie's campaign for the Democratic nomination in 1972. I would like to share some of my conclusions with the committee today. Although I was deeply involved in the Muskie effort, first as an advisor and later as campaign manager, I will try to speak with some objectivity about it.

Living with the memory of having been a key operative in the conduct of a losing Presidential primary effort on behalf of a frontrunner is not heartwarming. So at the start, I must confess that I bear a few scars. I ask you to please understand that nothing that I say is intended to rationalize our defeat in any way whatsoever. We made mistakes

and those mistakes were costly.

I am going to talk principally about two aspects of the campaign: The problems of financing it, and the problems that came from being the No. 1 target of dirty tricks. They are to some extent interrelated, since the damage that was done to us by dirty tricks had an impact on our ability to raise funds. That impact cannot be precisely measured, but I think there is no question of its existence.

### BACKGROUND OF CAMPAIGN

Let me try to put into perspective the nature of the Muskie campaign. Interest in Senator Muskie as a national leader began during the mid-1960's and reached an early peak during his campaign for the Vice Presidency in 1968, where he emerged as an articulate, candid and attractive public figure—one capable of reconciling some of the bitter animosity that had divided the Democratic Party in the wake of Chicago and had infected the country as a result of Vietnam, disorders on the campuses and riots in the cities.

During 1969 and 1970, a number of people, drawn to him by the character of his 1968 campaign, urged him to make a try for the 1972 nomination. He was interested, but he was also aware that as a Senator from Maine with no builtin organizational or institutional base of support and with little access to financial resources, the road to the con-

vention would be very long and very difficult—and it was.

Subsequently, Senator Muskie spoke on nationwide television in response to a speech by President Nixon immediately prior to the 1970 congressional elections. The quality and forcefulness of that address gave new impetus to a possible Muskie candidacy. So did an early Harris poll of January 1971, which showed Senator Muskie beating President Nixon 43 to 40 percent.

A copy of this poll is contained in exhibit No. 244-1. Also shown in that exhibit are poll results for the entire pre-primary and primary

campaign period.

## 1971 Efforts

During early 1971, he began to travel throughout the country to test whether there was genuine interest in him as a candidate. The results of those travels were sufficiently encouraging to cause Senator Muskie to begin organizing a small campaign staff which had three principal responsibilities: policy guidance, political organization, and fundraising. During the following months, a number of capable people joined the staff or otherwise committed themselves to work in one or another of these areas. By the summer of 1971, he had become the clear frontrunner for the 1972 nomination. During the fall of 1971, many of his Democratic colleagues in the Senate publicly pledged their support to him, as did several Governors and mayors.

What happened between the spring of 1971 when this effort began in earnest and the late spring of 1972 when Senator Muskie withdrew as an active primary candidate, is well known, so far as the vote count in the primaries is concerned. The reasons why the Muskie

effort failed to succeed are much more complicated.

To understand what was done and why, let me turn to September 1971. We had decided during the summer of 1971 that we should come out of the corner fast. The strategy was to maintain that impetus because Senator Muskie was ahead, and we saw our job as that of keeping him there. We planned a 4-month schedule, commencing in September and leading into the primaries as a campaign unit.

I would like to point out here that we have reason to believe, in fact know, that this schedule was lifted, copied, and made available to—we believe—to agents of the Republican campaign in August 1971.

I will discuss this matter later on.

Our heavy schedule was designed to reflect what we once referred to as an Ohio State "4 yards and a cloud of dust" campaign. But the fact was that our appetite exceeded our digestive abilities. A lack of financial resources all the way through the primaries undercut our strategy. Media and advertising budgets were slashed, staff reduced in number and pay, no funds were made available to a few key primary States.

#### FUNDRAISING PROBLEMS AND PRACTICES

I would point out in this regard, Mr. Chairman and members of the committee, that I have attached under exhibit No. 244-2 a number of memos that I have been able to find in our files, a number of memorandums reflecting our payrolls and costs in the campaign and our efforts to cut our spending at the time.

Senator Muskie, as you know, represents a State whose small population and limited resources had neither produced nor required great financial commitments in his political campaigns. It was, therefore,

necessary to seek funds from people throughout the country. It may be difficult for anyone who has not campaigned for national office or who has not been intimately associated with such a campaign to understand the staggering financial requirements involved. Money is needed for a central staff; for communicating with potential supporters and advisers; for organizations in each State; for polling; for television, radio, and newspaper promotion; and for travel not only by the Senator but by his staff and by his supporters. Unless a candidate is personally wealthy—and Senator Muskie is not—or unless he has already developed a corps of wealthy supporters willing to back his campaign—and Senator Muskie did not—he must devote an outrageous part of his time to appealing to people for money.

The concern about fundraising having to do with the susceptibility of a candidate to the special interests of donors, is legitimate. There is always the danger of a quid-pro-quo relationship, involving favoritism for money. In the Muskie campaign, no promises or commitments

were ever made in return for contributions.

Senator Muskie's integrity was proof against such pressure. Yet all his integrity could not protect him from the demands on his time, interest and concentration which fundraising represented. Let me be specific. When he might have been working out policy positions on the issues before the country or developing contacts with political leaders or addressing opinionmaking audiences, his advisers often found it necessary to schedule him at functions which primary purpose was to persuade well-to-do people that they should contribute to his campaign.

Other people—staff members like me or outside supporters—raised some of the money required. But much of it—and I emphasize that—was simply unavailable until there was eyeball-to-eyeball contact with the candidate—until there was what President Johnson used to call a

"pressing of the flesh."

### CAMPAIGN FINANCING

On an overall basis, we raised approximately \$2.2 million in 1971 and expended virtually all of it. We raised just under \$3 million from January 1, 1972, to the effective date of the new law on April 7, 1972, and again expended virtually all of that. Except for the initial few months of the campaign we were always in the hole. We never had enough money to pay our obligations on a current basis.

I have attached to my statement as exhibit No. 244—3 a month-bymonth breakdown which shows receipts and expenditures supplemented by an analysis of accounts receivable and payable. This shows our deficit position month by month. As I said, we were always in the hole and faced with the problem of reducing payroll, media and/or

other campaign expenses.

During the campaign, much publicity was given to the fact that we were required by lack of funds, to slash our staff and to impose pay cuts on the staff. In mid-1971, for example, when we appeared to be riding high we experienced an economic crunch. I was forced to lay off 10 of our staff people and impose salary cuts on between 10 to 15 others. Later in the fall of 1971, our operation geared up again and reached a peak around February 1972, when we had approximately 125 salaried employees, paid consultants or weekly wage employees.

At the end of February 1972, we cut 14 people from the staff and made pay cuts to 5 people, and this was just on the threshold of the major primaries we were about to enter. Then on March 15, the day after the Florida primary, we cut 29 people from the staff and made other pay cuts. On March 31, 1972, we simply did not pay most of the people except for 33 of the lower paid staff. As to the 33 who were paid at all, 23 received pay cuts. More detailed information is shown in exhibit No. 244-4 breaking down exactly what did occur and what period of time.

After the first few primaries, our finances were in such poor shape that we had virtually no money to expend in a number of critical primaries. This may sound astounding to you but we put no money from the national campaign into the Illinois primary. In the critical Massachusetts and Pennsylvania primaries, which were the last before the Senator withdrew from active campaigning in the primaries, we put only \$18,000 into Massachusetts and less than \$20,000 into Pennsyl-

vania from the national headquarters.

Let me address myself to certain questions which have been raised in staff interviews or prior testimony.

# FINANCE ORGANIZATION

First, our fundraising campaign had no rigid structure. There was no finance committee to elect Muskie President. We operated on a rather informal ad hoc basis welcoming the fundraising assistance of anyone who indicated a desire to perform that chore. I might tell you, in response to some of the questions asked us in our staff interviews, who our chairman and vice chairman were, I can tell you one we did not have—a formal chairman. Anyone who wanted to participate in fundraising in any serious way I made a vice chairman.

Senator BAKER. That is the usual role for vice chairman?

Mr. Bernhard. Senator Baker, I can tell you I used to feel very much like that story President Johnson used to tell about the football team that was losing. They had the ball down on the other team's 10-yard line right at the end of the game, and the coach said—called them in and said—"Give the ball to Hardhead, the fullback." The first play the quarterback ran it himself and was thrown back 5 yards, and then the coach got mad and sent in another play. The quarterback didn't give it to the fullback, it was an end-around, and he got thrown for a loss. The coach got furious and called the quarterback in and he said, "When I said give the ball to Hardhead I meant give it to Hardhead. Why didn't you give the ball to Hardhead?" The quarterback said "Because Hardhead doesn't want the ball," and that was the problem we had with finance.

Senator Ervin. Just one moment. I think a Vice President and a vice chairman, and things like that—I remember, and this does not happen to my vice chairman because I predict for him a great future as well as a great present, but when Thomas Marshall was elected as the Vice President and Woodrow Wilson as President, he made a statement to the effect: "Once there were two brothers, one of them went to sea and the other one was elected Vice President, and neither one of

them was ever heard from again." [Laughter.]

Mr. Bernhard. The story of our finance organization. If I had to, in any event, single out the one individual who did more to help us, both with contributions and with enlisting the support of others, that person would be Arnold Picker, for which effort he earned the No. 1 spot on the White House "Enemies" list. However, he was not a finance chairman in any formal sense. Our fundraising effort involved many techniques—from a direct mail campaign, which proved relatively successful, to direct appeals at dinners, receptions, and so on, and I have tried to give you a breakdown in my exhibits of the direct mail and other information.

A report on the results of the direct mail campaign, a list of proposed fundraising affairs and the results of some are included in exhibit

No. 244-5.

Now, we maintained records which I have here, of all contributions coming into the campaign headquarters from January 1, 1971, through a daily ledger and those ledgers have been available to the committee since June of 1973.

## PRACTICES AND COMMITTEES

In an effort to assure that our fundraising effort complied with the existing law, we disseminated a number of memos setting guidelines for fundraisers, and I have attached those guidelines as exhibit No. 244–6. Because I wanted my own view of the law to be reviewed by an outside source, I sent to Mr. Mortimer Caplin, former Commissioner of the IRS, a memo setting forth guidelines and asked for his opinion, which I received, approving the fundraising guidelines and I have attached that letter as exhibit No. 244–7. We had many committees. I don't know how many exactly, but there were well over 200. Some of these committees were created exclusively for gift tax purposes. Many others were operating committees, raising funds and providing funds in primaries or convention States. We have made available to the staff of the committee a list of all of our committees.

# CONFIDENTIALITY

The question of the acceptance of anonymous or confidential contributions has come up in the course of these hearings. Prior to April 7, 1972, when the new Campaign Financing Disclosure Act became effective, it was entirely lawful to maintain the anonymity of those who did not wish to have their names identified with our campaign. A number of people who contributed funds to us requested and were given a pledge of anonymity and confidentiality for understandable, largely personal, reasons.

I would point out that these contributions were all logged in the books as "anonymous." We count \$343,000 of such gifts from January

1971 to April 6, 1972.

Senator Baker. Mr. Chairman, could I interrupt the witness at that point. I won't take very long but we had a rather prolonged and extended conversation with Mr. Stans about the philosophy involved in the right to anonymity. Do you think that the right to anonymity that existed pre-April 7 had any substantial effect on the willingness or unwillingness of contributors to contribute?

Mr. Bernhard. I think prior to April 7 it may have had an impact, Senator Baker, on some people's willingness to contribute, and I will tell you why. It was not a uniform practice. It was not a uniform law which was applicable to everyone, and here is the kind of situation we had. One of our contributors in southern California had his son kidnaped. This resulted in a number of the larger contributors in southern California requesting anonymity for fear or becoming publicly identified. We had other situations where a husband contributed to our campaign unbeknownst to his wife, who happened to be supporting another candidate. Those things will have to be worked out in advance in the future. We had other situations where individuals were afraid that they had never been in a political campaign before and once they had gotten on the list as a major contributor, everybody would ask them for money. There were many reasons like this expressed to us. The concern was that since there was a common practice of anonymity and since there were some people who were talking about disclosures, others who were not, they were fearful of being singled out and I should emphasize that many of our contributors were deeply concerned about potential retribution from the administration in power to their business interests and to their involvements. Whether it was fanciful or a real concern it was there, and I must say when the revelation of the "Enemies" list came out I sure heard about our voluntary disclosure.

Senator Baker. May I say that I think this is an important area that the committee will examine, and I won't prolong this inquiry at this point, but when it comes to my regular turn I would like to press it a little further and invite your thoughts to the balance of equities between requirements for the desirability of anonymity versus the requirement and desirability of full disclosure. It seems there are valid and good arguments on both sides and I am not at peace with my own mind as to how those equities could be balanced so rather than

pursue that now I will pursue it later.

Mr. Bernhard. I do have some thoughts on it and I would be glad to pursue it.

Senator Baker. Thank you.

Mr. Bernhard. One other fact that you should know: because of the constant leaking of information and the disappearance of materials from our campaign, I became concerned that we could not, in good faith, promise confidentiality if we could not keep that promise. I therefore set up a system whereby checks or cash received under promises of confidentiality would only be received in sealed envelopes, put in my office, and then given, still unopened, to an individual who would deposit them in the bank. This assured that the depositor would not know the names of the cash contributors, and that I would not know exactly how much specific individuals who asked for confidentiality had given. I am reasonably satisfied that this method worked and I think it was the only operation that I know of in the campaign that didn't result in major leaks. There was no illegality involved and the motives we have discussed and explained to us for the request for anonymity suggested no impropriety. We tried to be careful not to accept contributions from people who might have a special interest or axe to grind. We had no power to coerce contributions and we did not try to invent such a power.

## Cash

Let me comment on the question of cash contributions. We received cash contributions. I do not know, quite frankly, the total amount of those contributions, although I have tried to piece them together over the last week or so, since cash and checks were all listed as part of contributions received under the same account column and that will be reflected and is reflected in the book. My best estimate is that during the year and a half of our campaign, we may have received in the neighborhood of \$150,000 in cash. I cannot prove that figure.

Quite frankly, cash contributions were discouraged. But when people gave us cash, routine practice was to immediately deposit cash in our checking accounts the day received, or if after banking hours, the following day. As a result, your investigators can follow the trail of expenditures of cash receipts, as well as of others, by examining our

books, and I understand that this has been done.

We maintained two safes at our campaign headquarters and kept a small amount of cash in at least one of them. One safe, which was in an office next to mine, was secured primarily because of the continuing leaks of campaign materials and the appearance of such information in the press as well as the apparent theft and photocopying of documents which, although never surfacing in the press, we had reason to assume were in the hands of people who wished us ill. Small amounts of cash, probably no more than \$2,000 at a time, were kept in that safe. The purpose was to handle emergency and petty cash needs. All other expenditures were made by check.

## STOCK

Let me make some very short observations in addition. I assure you there were no funds expended for dirty tricks or espionage or any like activity. The campaign was reflective of the candidate and I knew—and we all knew—that he would not tolerate such activity.

We did receive some stock contributions. These contributions were all recorded at the appreciated value of the stock. Stock contributions were promptly sold and converted to income, and the entry on our books, in each case, is the net proceeds to our committee—that is to say, the selling price of the stock less commissions and transfer taxes. One of our supporters obtained an opinion for himself on the proper treatment of stock contributions. We followed it and I have attached that as exhibit No. 244—8.

## Sources

Now, to the best of my information and belief but subject always to surprise, we did not accept money from corporations, national banks, or labor unions. Our instructions to our fundraisers made it clear that no such contributions were to be received. We did return certain moneys, which when they arrived, appeared to be drawn on the treasury of a corporation, and some of those letters of return are attached as exhibit No. 244–9.

#### Reform

I hope that many recommendations for reform of campaign financing will emerge from these hearings. If I had to choose the one reform

which is most urgently needed, it would be the public financing of campaigns, not because Ed Muskie ran out of money, but because he, and Senator Humphrey, and Senator Jackson, and Senator McGovern, and all the rest of them had to spend so much time just passing the hat. Americans deserve candidates who have enough time to consider the issues, enough funds to present their views to the voters, and to compete equally on the merits—not men who make the best fundraisers, because they appeal to particular interest groups, or because they are in a position to put pressure on people with money.

### BASIC INFLUENCES ON CAMPAIGN

Lest I be misunderstood, I know there were factors other than money which had to do with the decline of the Muskie campaign. Let

me very briefly address some of these factors.

First, there was the proliferation of Democratic primaries. Senator Muskie was ahead in the polls in 1971, but he was still regarded as essentially a New Englander. We had to establish him as the choice of Democrats in every region. We had hoped he would not have to share the broad middle of the party with any other candidate. We hoped his victories in the early primaries would discourage such competition from entering the race. We also saw the possibility of taking a commanding lead in the first few primaries. Perhaps it would have been better to have taken another strategy more attuned to our financial ability. But that is hindsight, and I am not sure another tack would have really served us better.

Second, was the polarization within the Democratic Party. The so-called new politics wing of the party was embittered by the bloody struggles of 1968 in the Chicago streets, was frustrated by Senator Humphrey's nomination in 1968, and by what they regarded as the continuing control of the party by the old guard. Traditional Democrats, on the other hand, thought they had been betrayed or abandoned by the new politics people in the fall of 1968, and that the election of

President Nixon resulted therefrom.

So the prevailing temper, as primary time arrived, was not accommodation but vindication, and these primaries became message laden. Many Democrats were prepared to give no quarter. George Wallace's slogan. "Send \* \* \* a message" accurately reflected the mood. Many Democrats saw the primaries as their moment to vent individual grievances which they could best do by finding a single champion for their greatest concern—to end the war, for strong defense, for civil rights, busing-pro and con-jobs, inflation, personal security, the unresponsiveness of Government, and you know all the rest. A centrist candidate was caught in the crossfire of these passions. Our coalition strategy with the essential message "Send them a President" was engulfed. What we learned in State after State was that the vast majority of Democrats who had other champions for specific grievances nonetheless would name Senator Muskie as their second choice, but we needed first place, not second place, votes. This phenomenon was shown no more vividly than in the poll taken by Daniel Yankelovich Associates as voters were leaving the election booths in Florida. It showed Florida voters believed Senator Muskie was the only candidate for President who could beat Richard Nixon.

As I will point out later, some of the dirty tricks increased the polarization and exacerbated our efforts at accommodation. The same can be said of a third problem of the Muskie campaign, and that was the squeeze in which we found ourselves, and the lack of base which could help Senator Muskie survive that squeeze. When Senator Humphrey entered the race beginning in Florida, it meant that Senator Muskie would contest for the Democratic center with a man who had developed intense loyalties within that center over 24 years in national politics. Blacks, Jews, labor, farmers, the elderly, and many elected officials had long felt Senator Humphrey to be their spokesman. They had seen him almost close the gap in the final weeks of the 1968 campaign and when he called on them once more in 1972, they responded. While it is my belief that Senator Muskie was making inroads into the Humphrey strength, some of the dirty tricks which were practiced, particularly in Florida, went to undermine that support for Senator Muskie.

# Union Leader Incident

Let me not bypass the event that occurred in New Hampshire. William Loeb, publisher of the Manchester Union Leader, whose stock and trade is to personally attack people he dislikes of both parties, had printed the famous Canuck letter and he published some loathsome distortions about Senator Muskie's wife. A copy of the Canuck letter, as well as a related "letter" surfacing during the general election campaign and an explanatory news item are contained in exhibit No. 244-10. I have attached that letter in my statement. Senator Muskie made an emotional speech outside the Union Leader offices in Manchester. After discussing the Canuck letter, the Senator turned to what some members of this committee have quite accurately described as the hatchet job on Mrs. Muskie. Now perhaps there are some men who would not become outraged when their wives are maligned, but our candidate was not one of them. He is a compassionate and feeling human being, not a cold-blooded, insensate political animal. That is exactly what attracted many of us to him in the first place and convinced us he would be a great President.

#### IMPACT

I doubt that I will be accused of hyperbole to observe that it would have been politically better had he not shown his feeling so openly. But he did, and the incident was seized upon and magnified by the

press. From that point on, it took on a life of its own.

That was because Senator Muskie was the front-runner, which is a risky status because the natural instinct in the press and among politicians and other people generally is to examine a front-runner under a microscope. Faults and virtues are sometimes magnified. Because he is a favorite, he is supposed to win big. So a mere victory, as Muskie won in New Hampshire, was insufficient; he had to swamp the opposition to be seen as winning at all. And if he comes in fourth as he did in Florida, it is not simply a redeemable setback, as it should have been by his subsequent large victory in Illinois, it is a collapse, and a win in Illinois only postponed the funeral. Consistent victory is demanded and where financial resources are thin, and when you have

to spread them over many primaries, and when a half a dozen serious candidates are competing for that vote, consistent victories are simply hard to come by.

DIRTY TRICKS—THEIR PURPOSE

And so we get to the role of dirty tricks. There is one point, and it may be the only point where I am in full agreement with the Committee To Re-Elect the President, with the White House, and probably with the Republican National Committee. That point is that Senator Muskie posed by far the most serious threat to the President's reelection of any of the Democratic candidates. I believed that then, and I believe it now. So did Jeb Magruder. In a memo to Attorney General Mitchell on July 28, 1971, he said:

The clear and present political danger is that Senator Muskie, the favorite in the early primaries, will promenade through the primaries, come into the convention with a clear majority and enormous momentum for November. That would be bad news for us.

So it would appear to have been natural that he attracted the majority of the Republican "dirty tricks." I say "natural" with some hesitation because I am in full agreement with Frank Mankiewicz that there was nothing natural, customary or even precedented about CREP's 1972 sabotage and espionage efforts, and I think this is a pretty accurate quote, and I remember Muskie saying it to me at a very early stage:

I do not want you or anybody connected with our campaign to do anything in the primaries which is inconsistent with winning in the general election and with reconciling the Democratic Party.

We all interpreted that as a clear mandate that there would be nothing of an underhanded, duplicitas, or scurrilous nature directed against any of our competitors. I think it a fundamental political truth that the campaign reflects the candidate and those of us working for the Senator knew he would never tolerate such activities. Senator Baker has stated on more than one occasion during these hearings that if he had heard reports of unethical conduct in his campaign, he would be on the phone immediately, demanding to know what the devil was going on. Senator Muskie would have done the same—and the prospect of having to respond to an outraged candidate is a powerful deterrent.

I do not know an iota of evidence, one speck of evidence, that Senator Muskie or his campaign operation engaged in anything that comes in the category of dirty tricks, in any sense, in any manner. I might also observe that we have been accused of not engaging even in clean tricks.

I do not mean to suggest that Senator Muskie did not campaign hard. He did. He attacked his opponents' positions on the issues, and he tried to win over their supporters to his side. Ed Muskie is a successful and experienced political man and he knows that politics is a body-contact sport. What he did not expect was that it would be a sport where he and his Democratic competitors would play by certain elementary rules, while outsiders to the primaries would behave like cunning barbarians. Their lack of political ethics was matched only by their fear of a fair contest, and by the money at their disposal.

The term "dirty tricks" does not do justice to the slimy deceptions that characterized the CREP campaign. "Dirty tricks" suggests that

sort of cleverness we associate with today's Halloween pranks. In fact, there was nothing very clever about it. Anybody could come up with a Canuck letter, or the villification of Senators Jackson and Humphrey and Governor Wallace which was made to appear the work of the Muskie campaign. It did not take political genius to accomplish those things. It took, as I have suggested, a certain low cunning and a lot of money.

Basic Groundrules

Let me turn now to specific dirty tricks and try to describe their effect on our campaign. A few of the perpetrators of these have been repentant; others have not. I am not so much concerned about their repentance as I am about what they did to pervert and distort the 1972 campaign, and about the long-term consequences for America if their attitude toward politics prevails—that winning justifies anything. When it leads our children to cheat to win the soapbox derby, that is bad enough. But when it leads ostensibly mature citizens to cheat an entire citizenry in choosing its Chief Executive, that is frightening.

It is not always a simple matter, as the committee has discovered, to make precise philosophic distinctions between rough but fair politics and rough unfair politics. Sometimes the differences are matters of degree. Heckling a speaker is a traditional part of British politics, and it is occasionally practiced here in a way I would not condemn. But systematic heckling—intended either to drown out the speaker altogether or to make it impossible for him to convey his thoughts and opinions to an audience—is profoundly undemocratic. I would always have like to know what the opposition was doing—and I would be less than honest if I did not say that I would have listened to a defector from another campaign if he appeared before me to tell me what he knew of that campaign whose job it was to steal documents and make them available to me and to the press.

It is fair to tell voters that your opponent's record is proof that

he would not do much for them if elected.

It is fair to circulate bona fide documentation of your opponent's

record in an effort to turn the voters against him.

It is not fair to deceive those voters with signs and bumper stickers that appear to be but are not sponsored by your opponent, and which carry messages that are certain to turn the voters against him.

It is not fair to harass the voters with after-midnight canvassing

calls which are alleged to be made in your opponent's behalf.

It is not fair to plant a lying letter in the local newspapers, reporting that your opponent has uttered racist epithets.

It is not fair to publish a scurrilous "factsheet" that shockingly misrepresents a candidate's career, family, and beliefs.

It is not fair to put a telephone tap on your opponent's advisers.

It is fair to try to place your opponent in a position that makes him most vulnerable to defeat, but not through techniques I have just described.

It is fair to play up your own virtues, and ventilate your opponent's defects. But it is not fair to try to win an election by the kind of fraud and deception that was the hallmark of the 1972 campaign.

I've used the word "opponent" in these remarks in a special sense. The object of the frauds and deceptions which occurred in the 1972 primaries was usually Senator Muskie. The common perpetrators of the frauds and exceptions were not his opponents in the primaries, but people in the Republican Party who so feared his nomination by the Democrats that they intervened to prevent that event by foul means as well as fair. It was their purpose to hold him up to ridicule; to estrange him, not only from his supporters, but from other Democratic candidates and their supporters; to create suspicion and turmoil in his staff; to establish that his ability to manage a national operation was suspect; to divert his energies, and those of his staff, from the task of pursuing the nomination to the desperate work of limiting the damage they had caused. They feared his name on the ballot in November 1972 and so they went after him a year before. As far back as March 24, 1971, Pat Buchanan wrote to President Nixon as follows:

And if Mr. Muskie is not cut and bleeding before he goes into New Hampshire, he will very likely do massively well there, building up irresistible momentum for the nomination. This scenario is not in our interest—as Muskie today is a figure ideally situated to unite the warring faction of his party, and if they are united that is bad news for us.

I would point out that this was a period in time when Senator Muskie was leading President Nixon in the national Harris Poll 47 percent to 39 percent with Governor George Wallace included in the poll. With Governor Wallace excluded, Senator Muskie was leading President Nixon head-on-head, 48 percent to 42 percent in February and 50 percent to 44 percent in April 1971.

#### WHITTIER COLLEGE INCIDENT

I will describe some of the attempts to leave Senator Muskie "cut and bleeding." Let's begin with an early Segretti effort on November 8, 1971, at Whittier College in California—the President's alma mater.

When I arrived at Whittier College, everything was tranquil. Just short of an hour before the Senator arrived to speak, great numbers of individuals, mostly black and Mexican-American, arrived armed with placards. The pickets took their positions along the entire walk leading from the street to the auditorium. There was such signs as, "Would you take a Chicano as a running mate?" Also, "Muskie is a racist pig." There was some inconsistent signs, one reading "Muskie supports draft dodgers," and another, "Muskie is against amnesty." Then there were many signs dealing with gay liberation.

The Senator's speech was well received. Then the questions came. Individuals kept interrupting the Senator when he tried to answer questions and all the questions seemed to deal with gay liberation, a

Chicano or black running mate or abortion.

A copy of the list of questions distributed by Mr. Segretti's operative is contained in exhibit 244-11 [previously entered as committee

exhibit No. 201 and appears in Book 10, p. 4270].

Senator Muskie, I think, handled all of this with great equanimity, which apparently was an irritant to Mr. Dwight Chapin, who subsequently sent Mr. Segretti a news report stating that "Big Ed proved he could keep his cool," to which Mr. Chapin penned "let's prove he can't."

A copy of the President's news summary with Mr. Chapin's complaint that Segretti had "missed the boat" is contained in exhibit No. 244–12 [previously entered as committee exhibit No. 202 and appears

in Book 10, p. 4271].

That same weekend, I believe on November 7, Senator Muskie went to speak at a Mexican-American restaurant in Los Angeles. When he went in, there were neither pickets nor other disruption. When he came out, there were organized pickets, and in addition, television cameras which were not a part of the traveling media. The pickets were boisterous, shouting at the Senator and then, in an orchestrated move, they started throwing eggs at Senator Muskie and at the cars which were being used to take him to his next stop.

The question might be asked and asked legitimately, what effect did this variety of planned chaos have on the campaign and its strategy? The effect on his immediate audience was to prevent them from exchanging views. Beyond that, it disrupted our strategy. We had determined previously that the Senator was best at confrontation situations and at questions and answers. But if we were going to get into a situation where questions on abortion, amnesty, legalization of marihuana, and gay liberation were clearly planted, and the questioners were organized to drown out all other questions, that strategy would have to be abandoned. Egg-throwing and the like would also create the image of a tumultuous, disorganized campaign, possibly leading to violence.

### THE PURLOINED PAPERS

Testimony has already been given to this committee regarding the stealing of documents going between me and Senator Muskie on the Hill during the period August 1971 through April 1972. Those involved were "Fat Jack" Buckley, Elmer Wyatt, and Thomas Gregory. There may have been others, but I do not know their names. They had been planted in our campaign by the Committee To Re-Elect the President.

There are specific instances where inside jobs, whether performed by Buckley, Wyatt, Gregory, or some other Republican plant, disrupted staff planning and hurt the Senator's position among groups whose

support he desperately needed.

## SUGGESTED PROPERTY TAX HEARING

Stolen letters went into a report of Evans and Novak dealing with a staff-suggested property tax hearing in California. Some of the staff had recommended to me that the Senator participate in hearings on the problem, on the theory that it would be helpful in the campaign. Since he would be in California on December 20 and 21, 1971, the suggestion was that it could be worked out simultaneously. Robert Novak printed a critical article on using property tax hearings as part of the campaign. I have attached that article as exhibit No. 244–13.

This article came as a surprise to Senator Muskie, who called me and asked what it was all about. He had never seen the memos, and I had not made a personal recommendation. I called Mr. Novak. He said a memo on the subject was sent to him in a plain brown envelope. Again, this undermined the character of the campaign. It made Senator Muskie appear unscrupulously opportunistic. I received many calls

criticizing this purported misuse of Government funds as part of a political campaign. I heard about it not only immediately after the article came out, but subsequently in New Hampshire and in Florida. These may seem rather isolated acts of disruption. In fact, they were part of a long train of sabotage commencing in December 1970, when the first break-in occurred.

I was still in private practice, but I was doing a good deal of work with the Muskie Election Committee. I had a number of files in my law office relating to the effort being undertaken to assist the Senator in deciding whether to seek the nomination. My law office was broken into, and my files ransacked. A number of Muskie-related files were found in the Xerox room and there were a substantial number of unrecorded Xerox charges on our machine. This matter was reported to the Metropolitan Police. It was reported to your committee's staff several months ago, and you may have uncovered information to which I am not privy.

In addition to what you know about the work of "Fat Jack" Buckley, Thomas Gregory, and Elmer Wyatt, there were other specific instances of surveillance or infiltration or attempted infiltration. One involved a young woman named Diane Moore, a 24-year-old researcher for the Republican National Committee who contributed \$25 to our campaign and indicated in a penned note she would contribute more after Christmas. Things were a little tight then. She appended a note in addition to her contribution offering advice on tactics to turn President Nixon

out of office

Fortunately, the press learned of this attempt at infiltration before we did. Had they not done so and revealed it, we might very well have taken up her offer as a volunteer. Her superior at the Republican National Committee, Robert Chase, when confronted by a phone call from us, replied, "I just don't want to talk about it."

A copy of a New York Times article recounting the Diane Moore

affair more fully is exhibit No. 244-14.

Another employee of the Republican National Committee, John Lofton, editor of Monday, was caught snooping around at a private weekend meeting of Muskie supporters in Kennebunkport, Maine. This caused turmoil, and I think that is an understatement, at the weekend meeting. It raised questions as to why the Republicans had involved themselves directly in a Muskie meeting. Although John Lofton worked for the Republican National Committee rather than CREP, a very few days after the meeting, Mr. Strachan sent Mr. Dean a list of the "fat cats" in attendance for use in the political enemies project.

A copy of Mr. Strachan's memo and the attached fat cat list is attached as exhibit No. 244–15 [previously entered as committee exhibit

No. 52, and appears in Book 4, p. 1700].

Of far greater significance and deep consternation was the lifting and photocopying of the major campaign advance and scheduling proposals for the fall and winter of 1971 and 1972. This material had been completed in August 1971 and because it was clearly and unequivocally the most vital document we had put together, only two copies were made. Within a few days after its production, a copy disappeared from the desk of Eliot Cutler, the Senator's chief scheduler. Now, with some reservations and in the interest of trying to give you the full import of this particular document, I have attached it as exhibit No. 244–16.

I think all of you who are actively involved in politics will get some

idea of the detail and import of that particular document.

We advised your staff of the removal of this document because we had found, as I indicated, that it was found in the campaign's Xerox machine; the staples had been removed, and we do not know more about who might have taken it. But what is important about this document is that it was reflective of our entire political strategy. It stated where the Senator was going, for what purposes; what States or conventions we might choose to consider lightly. It made possible the focus of disruptive attention on the planned activities.

It created suspicion as to whether we had a spy among our own staff and a number of days were dissipated in trying to ascertain what had happened. Beyond all that, it left me with the following questions:

Who had it?

Which of our Democratic opponents had it or might have use of it?

How could it be used?

How could we change some of our strategy to avoid being undercut by our competitors?

Would they use it to go to convention States where we were not

going or to enter the primary States we were not entering?

They were tough questions and we tried to make some adjustment as a result of these questions, but could not possibly deviate too far

from a basic strategy of that depth.

That was not the only major theft. On two occasions, raw polling data disappeared from the desk of Anna Navarro, our polling expert. In the summer of 1971, the entire New Jersey poll was taken during the night. In the winter of 1971, the entire New Hampshire poll was stolen during a period of 5 minutes when Anna had come up to my office to tell me it was ready. When she went to get it, it was gone. That was not simply a poll of where we stood, but reflected specific strengths and weaknesses in New Hampshire, which issues should be emphasized and which not. It was a document of real value to any opponent, and it would certainly have been of value to the CREP if they were pursuing a program, as they appeared to have been, of embarrassing Senator Muskie.

Our immediate result of the New Hampshire polling disappearance was that we no longer held general staff meetings of a coordinated nature to discuss polling results. If one wanted to see a poll after that occurred, they had to come to my office or Anna Navarro's office

to see it. Again, I ask the same questions about the polling data:

Who had it?

Who on my staff might be the thief? How deep was staff disloyalty?

What use could be made of the information?

Could we do anything to counter it?

So much for stolen documents.

On to fraud, forgery, and political conniving.

You have in your files a memo to President Nixon from Patrick Buchanan, dated June 9, 1971, which reads as follows:

Buchanan's view: Kennedy is keeping his options open—against the possibility that RN may be so strong by summer 1972 that the nomination will not be worth anything. In which event, he can stay out. However, at this point, he and his people have obviously concluded RN can be beaten—and they are not about

to sit this one out—risking spending eight years outside the inner circle of power of a President Humphrey or a President Muskie. If Kennedy believes the Democrats can win—as he quite apparently does now—he will go after the nomination.

We had no desire to alienate Senator Ted Kennedy and the many Democrats who supported him. We believed many would support us. Some 7 weeks after Patrick Buchanan's memo, the following occurred on July 28, 1971. A Harris poll entitled: "51 Percent Say Ted Is Unfit for White House" was distributed widely in an envelope which was an offset facsimile of Senator Muskie's stationery, bearing his name in the upper left-hand corner. I have attached that as exhibit No. 244-17.

This fraud was distributed to Democratic Members of the House and Senate, Democratic Governors, and leading Democrats around the country. I have enclosed a partial list of recipients in exhibit No. 244–18. The response to the receipt of this fraud was immediate. Phone calls went to the Senator's office and my office criticizing us for a "low blow"—an attempt to elevate ourselves at Senator Kennedy's

expense.

Great effort went into contacting Senators, Representatives, and leading citizens alerting them that this was a fraud. A copy of a disclaimer letter sent out widely by Senator Muskie as part of this effort may be found in exhibit No. 244–19. But this matter was covered in the press. How were we to know that suspicion did not linger, to surface when other reprehensible matters were distributed under our name? Senator Kennedy was gracious and understanding. Senator Muskie wrote to the Postmaster General. The Postmaster General wrote back. The matter was investigated, but the culprit was never found. I have attached that exchange of correspondence as exhibit No. 244–20.

#### NEW HAMPSHIRE

Let me point out two additional factors affecting New Hampshire and also related to Senator Kennedy. First, during the week before the New Hampshire primary, Dick Stewart, our press secretary, came in to see me about a call he had received from the AP in Boston to confirm the following: AP had received a phoned-in statement from someone asserting he was Mr. Stewart's assistant, who gave the Muskie Washington headquarters telephone number as a contact number, and who then read AP the following statement:

Ted Kennedy has become an obstacle and an issue in the New Hampshire primary. I challenge him to come to New Hampshire and once and for all tell the people whether or not he is a candidate for President.

Dick was upset because he thought that perhaps someone in our campaign had determined to do that without clearing the matter with him. And these things do occasionally happen in a campaign. I told him that it was preposterous and everything should be done to kill that story. I cite it as the kind of disruption of staff activity which is harmful. It diverted our senior staffs' attention from the primary at a crucial time.

Second, of far greater significance were the literally hundreds, perhaps thousands, of phone calls which were made in the Manchester area of New Hampshire during the week to week and a half prior to the primary. Callers identifying themselves as canvassers from the

"Harlem for Muskie Committee" urged the citizens to vote for Muskie because he would be "so good for the black man." These calls were being made between 12 at night and 3 in the morning. They did not strike me as advantageous. The black vote in New Hampshire may amount to 1 or 2 percent. But if it had amounted to 50 percent, it would still have hurt us. No one is favorably disposed toward any candidate who has people calling or appears to have people calling between 12 midnight and 3 in the morning. These calls resulted in many calls to me individually in Washington, D.C., complaining about our dumb campaign tactics, and they also resulted in calls from our campaign coordinator in New Hampshire, to see if there was any action I could take to stop them. The only thing I could think of doing was to call McGovern headquarters to tell them to cut it out. My recollection is that I spoke to Frank Mankiewicz, the McGovern political director, since I had assumed that the calls were McGovern-inspired. They denied that they had anything to do with this and the calls continued.

The second part of the disruptive telephone strategy involved postmidnight calls from people alleging that they were canvassers for Muskie and asking how the people intended to vote. These calls apparently went beyond Manchester. I was informed that the recipients of these calls would sometimes receive three or four calls in rapid succession on the same evening. The source of all of these phone calls has never been uncovered, but I think it soured many people toward our cam-

paign in New Hampshire.

# IMPACT IN NEW HAMPSHIRE

I have been asked by the committee to evaluate whether or not any of this activity can be quantified in terms of harm. It is not easy, but let me try. One measure is the comparison of the results of the primary vote in the city of Nashua with those in the city of Manchester. Nashua is in the southern part of New Hampshire, and has a relatively liberal city newspaper and a liberal voting background. McCarthy, for example, had run neck and neck with President Johnson in 1968 in Nashua and McGovern had expected to do well in Nashua. Nashua was also the home of his campaign manager, Joe Grandmaison. What happened? Muskie won in Nashua with a total vote percentage of 58 percent. Thirty miles to the north of Nashua is the city of Manchester, slightly more working class, a little more conservative. We expected a larger margin for Muskie in Manchester than in Nashua. In 1968 President Johnson had beat McCarthy soundly in Manchester and surrounding towns. Yet, Muskie received only 38 percent of the vote in Manchester, a full 20 points lower than his showing in Nashua.

Another tool of evaluation is the impact in comparable working

Another tool of evaluation is the impact in comparable working class French-Canadian neighborhoods in the State of New Hampshire. Let me be precise. McGovern won ward 14 in Manchester with 35 percent of the vote, with Muskie running in that same ward 13 points lower than his statewide total. That result startled the press, for ward 14 is a French-Canadian blue-collar ward which had gone heavily for

President Johnson in 1968.

Compare that with ward 7 in Nashua, composed of similar French-Canadian working class Democrats as in Manchester's ward 14. In the Nashua ward, Senator Muskie swamped McGovern by a margin of well over 2 to 1, winning 66 percent of the vote to McGovern's 28 per-

cent, a staggering 32 points higher than he had received in the same kind of neighborhood in Manchester.

I am grateful to Mr. Lanny Davis, who served as the campaign's national youth coordinator, for preparing this vote analysis to assist

me in my testimony.

Had Manchester returned the vote we had reasonably expected and which we received throughout the rest of the State, it is certain that Senator Muskie would have received more than 50 percent of the vote in New Hampshire. And since the press had set a public standard of 50 percent, New Hampshire would have represented a major win rather than what was written off as at best a marginal victory, and at worst, a setback because it was his neighbor State.

#### FLORIDA

The Florida primary was held on March 14, just a week after the New Hampshire primary. Despite the fact that we had won in New Hampshire and had won in the Arizona convention, our financial situation was bleak. I had already cut the Florida budget by 50 percent from its first projection; and with the issue of busing on the ballot, we knew we were in for a hard time. Gov. George Wallace was campaigning hard against busing, the space industries were in trouble, and there was the proliferation of candidates.

You have heard about many of the disruptive activities in Florida. You have heard about the February 8, 1972, ad reading, "Muskie, Why Won't You Consider a Jew as a Vice President?" Samples of the copy used in this and other ads are reproduced in exhibit 244-21 [previously entered as committee exhibit No. 204 and appears in Book 10,

p. 4275].

This was run in a Miami Beach Jewish newspaper, and fliers with

a similar message were distributed.

We were aware of that. One that you may not have heard about is a scurvy little flier which was shown to me in Miami Beach by a rabbi after we had been discussing an individual member of his congregation who said he would never vote for a Polish-Catholic. The flier read, "Remember the Warsaw Ghetto." At the bottom in small letters was written, "Vote Right on March 14."

The busing issue was critical in Florida. Posters were distributed starting late in February intended to establish Muskie as a proponent of massive busing. The posters read, "Help Muskie Support Busing More Children Now," put out by the Mothers Backing Muskie Committee. We received immediate reports of concern, mostly from our Tampa office. After we received the calls and I talked with our people in Florida, it was agreed that wherever we could, we would try to remove such posters, and I understand that some of the people in the office did so. I also contacted other district managers seeking to ascertain the extent of distribution. I was informed that pictures of some of these ads appeared in newspapers, particularly in northern and central Florida. My information is that these probusing statements appeared in Jacksonville, Daytona, Orlando, Tampa, St. Petersburg, and the Clearwater area. The extent to which the Senator's position was incorrectly stated made it difficult to try to clarify and to explain his true position, which would have allowed local school boards to retain options to achieve desegregation, rather than being denied that right through Federal legislation then proposed. I talked with our media people about cutting new TV spots, but the time was

as short as the money.

You have also heard a good deal of testimony about the March 1 Segretti letter sent out on Citizens for Muskie stationery accusing Senator Jackson and Senator Humphrey of sexual and drinking misconduct. A copy of this forged letter is attached as exhibit 244–22 [previously entered as committee exhibit No. 206 and appears in Book 10, p. 4280]. The calculated effect of that letter was to antagonize admirers of Senators Humphrey and Jackson and I think fair-minded Floridians in general. We did seek to inform the press immediately that it was a fraud. Mr. Segretti has conceded he was responsible for it, and that it was a damnable malicious lie. But its circulation received wide coverage in the press, and, once again, our indignant denials never caught up with the lie—and were perhaps even doubted by some who heard them.

I gather you also are aware of the early March advertisement placed by Mr. Segretti in a Florida newspaper implying that Senator Muskie supported Communist Cuba. A copy of one such ad, and a translation, is attached as exhibit 244–23 [previously entered as com-

mittee exhibit No. 207 and appears in Book 10, p. 1281].

There were also fraudulent radio and newspaper ads put out in Miami on Spanish-language stations and in the Spanish language press—again allegedly by the Muskie campaign—purporting to have the Senator come out four-square for the Castro government. Others inferred that native-born Americans are more loyal than immigrants which was certainly not calculated to endear him to the Cuban-American community.

Some of the incidents that happened; such as the pickets in front of the Manger Hotel in Tampa in January of 1972, did have an impact, both in undermining Muskie support among blacks and creating further division among the candidates; as you will see, I brought a batch of exhibits demonstrating that herein. Attached as exhibit No. 244–24 is a memorandum from Chapin ordering the use of such signs

at Muskie rallies.

The signs were of a racial nature depicting Muskie as antiblack. The inference we gathered from these signs was that they came from Humphrey headquarters and frankly from my standpoint that made sense at the time because we knew Senator Humphrey had very strong support among the blacks and we also felt we were making inroads among his constituents. I know many other people in our office in Tampa thought the incident was an inspiration of the Jackson people, but it did go into the paper and it was particularly galling to me personally because it came shortly after I and others had had excellent meetings with black leaders in the Tampa area and had received pledges of support and this was just a day or two before the signs appeared.

Let me focus your attention on one activity which was of an unusual destructiveness. Upon two occasions before the March 14 primary, when rallies were being held for Governor Wallace in Tampa and St. Petersburg, cards were placed on automobiles in a parking lot and distributed widely to hundreds of people stating on one side, "If you liked Hitler, you'll just love Wallace." On the other side, it read,

"A vote for Wallace is a wasted vote, on March 14 cast your ballot for Senator Edmund Muskie." A copy of this card was sent to Senator Muskie and is attached as exhibit 244–25 [previously entered as committee exhibit No. 214 and appears in Book 10, p. 4292]. These particular cards caused a flurry of phone calls to me protesting essentially my stupidity in authorizing their issuance. I would not want to describe before you some of the language that was used but you may have some idea. We explicitly disavowed these cards and I told the office to talk to the local papers in St. Petersburg and Tampa to assure them that we were not responsible for them. These disavowals, as I recall quite well and to my consternation, received little, if any, attention. I recommended that we get in touch with the local headquarters of both Humphrey and Jackson to state our concern as to their possible culpability. Knowing the depth of support George Wallace enjoyed in Florida, we continued to be concerned with the impact of this activity.

Lest you assume, and I hope you do not, that my comments are totally partisan, I should bring up a matter which hounded us in at least New Hampshire and Florida and that is the scurrilous and totally unjustified attacks upon Senator Muskie by one Stewart Mott.

Mr. Mott financed a project early in 1972 consisting of various printed documents, with hand-scrawled headlines written in red or black ink, and I have attached some of those copies of those delights to my statement as exhibit No. 244–26. To say they constituted bad taste would enable me to exaggerate for the rest of my life and come out even. It accused Muskie's father of being a draft dodger. It included blatant falsehoods about Muskie's record and it was sent throughout the primary States beginning in New Hampshire. Segments of the larger pamphlets were run as full page newspaper ads which Mott financed. He even had the poor taste to send his diatribe to Mrs. Stephen Muskie, the Senator's daughter-in-law. There was similar outrageous material dealing with disclosure of campaign finances which he mailed to Senator Muskie's contributors—contributors whose addresses he was able to secure only because of the Senator's voluntary disclosure of his finances.

I think it useless to refute each and every allegation because I would be here an even longer time. This material angered me toward the staff of Senator McGovern, because it was our belief, it was my belief, that Mr. Mott was a heavy contributor to McGovern. Therefore, we assumed that this was either being done at the behest of Senator McGovern or with his or their knowledge. As the campaign progressed, I called Frank Mankiewicz who swore he had nothing to do with this material.

I should also note that the CREP dirty tricks department found much favor in Mr. Mott's game and picked up on it. A Mott newspaper ad berating Senator Muskie on the financial disclosure issue was reprinted and distributed to those entering a Los Angeles Muskie fundraising affair. At the bottom of the reprint were typed the words:

The Committee will look for your names as part of Muskie's Fat Cats. They better be there.

We drew the natural conclusion that Mr. Mott was responsible for this harassment, although we have since learned that this was a Segretti ploy. A copy of this handout, showing the additions of Mr. Segretti's agents, is attached as exhibit 244–27 [previously entered as committee exhibit No. 209 and appears in Book 10, p. 4284].

#### ELECTRONIC SURVEILLANCE

I would like to turn now to electronic surveillance. During the course of the primaries, an overriding issue was that of Vietnam. As you know. Senator Muskie had become convinced that the war had to be brought to a swift conclusion, but he was attacked for having altered his position on the war. I am not concerned with the responsible attacks on his change in position. What did become of concern were the consistent leaks that were coming out regarding positions which were being discussed within the staff and among advisers on the war issue. We were never able to understand how it was that there was so much conjecture in the press which seemed to relate to staff discussions on the issue of Vietnam. It is only now that some of it makes sense. I have learned that our chief foreign policy staffman in the campaign, Anthony Lake, who had once worked for Mr. Kissinger at the White House, had had his phone tapped. It was doubly disconcerting to learn that Morton Halperin, who was a former national security aide and was on our foreign policy task force, had had his phone tapped as well. Both men were under such electronic surveillance after they left the White House and were active in varying degrees with our campaign.

The extent to which information thus obtained was used to muddy Senator Muskie's position on Vietnam is uncertain. But I can remember discussing with the Senator the question of how it was that people seemed to know what he was going to say before he said it. We now know as a consequence of Mr. Halperin's civil suit that the FBI made available summaries of the taps to H. R. Haldeman. Exhibit No. 244–28 contains copies of new stories concerning these taps. Only an examination of the fruits of these taps might disclose the extent to which information involving Senator Muskie was available, and/or

used for political purposes by the White House.

I would be remiss not to mention an incident which has long been known in our campaign as "funny phones." It occurred on November 9 and 10, 1971, about the time the Senate Subcommittee on Air and Water Pollution, of which Senator Muskie is chairman, was completing action on its bill. The key question was how the House would handle the bill. Would the House bill be as strong as the Senate bill which the White House vigorously opposed? Would the House act in time enough for the bill to be finished in 1971 so that a conference committee could meet prior to the time Senator Muskie might have to be campaigning in the primaries? This is what happened.

The phone in the subcommittee office would ring; it would be picked up, but no one was there—only the sound of another phone ringing. Then someone would come on the phone, identify the office and say that he or she didn't call us. In a 2-hour period, some of the offices which answered and identified themselves were: The White House; the Vice President's office; Senator Cooper, who was ranking Republican member of the Public Works Committee—several times; Congress-

man Blatnik, Chairman of the House Public Works Committee; the Zambian Embassy, the Latvian Embassy, and the Embassy of

Kuwait-plus others.

Exhibit No. 244–29, which I have attached, contains two memos which were prepared contemporaneously with the events. Leon Billings, staff director of the Subcommittee on Air and Water Pollution, after being alerted to the peculiar performance of the telephones in his office, had the telephone company into the office attempting to ascertain what might have happened, what might have occurred. The telephone company answered that they were certain there had been no tampering with the phones and equally adamant that there was no way in which the incidents could have occurred. Mr. Billings has informed me that at the time the speculation, in jest, was that the White House would go to any lengths to find out what Senator Muskie was doing. Mr. Billings' memorandum is in exhibit No. 244–30. But there is one certain fact. Immediately after the phone company came into the office and claimed not to have found anything, no further incident occurred.

I hesitate to bore you with more incidents, Mr. Chairman, but I feel impelled to mention one more only because it reflected such gross insensitivity to the national interest and to the individual victims. We had been working for many months on the largest fundraising of the campaign in Washington on April 17, 1972, at the Washington Hilton Hotel. We were in dire financial need. I know you have already heard testimony from Mr. Segretti and his cohorts about the hundreds of pizzas and flowers which they arranged to arrive collect at the dinner, and the anti-Muskie signs outside. But more important was one nationally destructive act. Mr. Segretti invited a number, perhaps a half dozen or more, Ambassadors from the African states with their wives, in formal attire, to the dinner. It had been my intention during the reception to spend my time introducing the Senator to a number of the significant contributors who had come from various parts of the country for this occasion. Instead, during the reception, I spent my time personally apologizing to each of the Ambassadors who had been invited and to their wives, seeking to make them comfortable and seeking to indicate that, while it had been a mistake, they were certainly welcome. It was an unsettling experience and I think showed no concern for the individuals embarrassed, to say nothing of U.S. foreign policy.

I am now down to what I would like to have considered as my

summary.

# SUMMARY

At the beginning of this long statement, for the length of which I apologize, I said I did not want to have anything I say interpreted as a rationalization for our defeat. The primaries were hard fought and there were tough competitors. Nonetheless, I find Mr. Buchanan's quoting Theodore White's appraisal that the sabotage of forged letters and dirty tricks had the "weight of a feather" no more than a glib and self-serving conclusion, particularly since Theodore White's book was written before these hearings got underway and prior to the testimony of Mr. Segretti, Mr. Benz, Mr. Hunt, and others.

You, on this committee, will have to appraise the impact. I have tried to give my view of that impact on our campaign. In my judg-

ment, the unceasing events to unhorse Senator Muskie took a toll. They took a toll in the form of diverting our resources, changing our schedules, altering our political approaches, and being thrown on the defensive.

They generated suspicion and animosity between the staffs of Democratic contenders. Internally, and this is a matter of which I speak of very personal knowledge and deep feeling, they resulted in demoralizing distrust, erroneous accusations by me of my own staff members for what I believed were their indiscretions and even their treachery, and I haven't had an opportunity to apologize to many of those on the staff who were so accused. If I might, just take a moment to let them know, I do apologize to them, I do so here and now. The suspicions impeded a coordinated effort because, not knowing whom one could trust, fewer and fewer people were taken into the councils when it came to making decisions. These events certainly helped to undermine the image of Senator Muskie by making him appear unable to adequately manage a staff which had been made, themselves, to appear as sievelike amateurs who couldn't keep a confidence. It also made him appear as a man who at times would not hesitate to take unfair advantage of his opponents.

Last, these events did not advance our ability to survive financially. Contributors raised questions with me about the loyalty of the staff and its apparent indiscretions and fumbling. No contributor wanted to see his money frittered away. So time and energy were consumed not only in securing funds to campaign, but also in explaining de-

fensively our efforts to maintain security and efficiency.

There is a momentum in politics, and when it is with you, nothing is wrong. As my secretary says when you are hot you are hot and when you are not you are not. And when you are not, the momentum begins to ebb, and everything goes wrong. If things were going wrong for perfectly legitimate political reasons, our problems were magnified by the efforts not of other Democrats but of members of the Republican Party who had no place in the Democratic primaries at all.

I would point out that there is nothing in the resolution establishing your committee, Mr. Chairman, that says this conduct is reprehensive only if it has decisive significance. It speaks rather of whether the object was "to disrupt, hinder, impede or sabotage" the campaign. I ask whether anyone here can doubt that this was the objective of the dirty tricks. If they were not successful, that's a comment on the ineptitude of the perpetrators, not their moral fiber. I am troubled by the moral viewpoint implicit in offering that line of reasoning as a defense. The doctrine that the end justifies the means is pernicious enough. The doctrine that the failure to attain the end justifies—or at least excuses—the means is terrifying. The means was best expressed in a memo of March 24, 1971, from Patrick Buchanan to the President wherein he stated:

It is in our interest—and in the interest of the liberal Democratic challengers for the nomination—to prevent Mr. Muskie's uninterrupted march to the nomination.

And he also said:

There is a danger in going after Muskie, making him the martyr and spokesman of the Democratic Party, and thus insuring his nomination and even en-

hancing his chances of election. But the risk should be taken. If we don't do it now, we shall have to play hurry up football in the 2 months before election and people tend to disbelieve political charges made in that kind of partisan

Then he had a very colorful sentence.

Who should we get to poke the sharp stick into his cage to bring Muskie howling forth? More important, what kind of stick is more effective?

Those were the words of Mr. Buchanan to the President on April 19, 1971.

A copy of one "sharp stick" for which Mr. Buchanan has admitted personal responsibility is attached as exhibit 244-31 [previously entered as committee exhibit No. 158 and appears in Book 10, p. 4055]. When this document appeared, we—like Frank Mankiewicz—assumed it to be the work of Stewart Mott.

The fact of the matter is that these disruptive activities continued to be directed against our campaign for months on end. If the instigators did not believe they were accomplishing their objective, it is difficult to understand why they persevered. They stopped only when

they concluded that Senator Muskie was beaten.

In a memorandum to John Mitchell and to H. R. Haldeman dated April 12, 1972, from Patrick Buchanan and Ken Khachigian, there is the following self-congratulatory note, which, if so much had not been done to sustain it, I would have written off as no more than an act of self-satisfied puffing. He said:

Our primary objective, to prevent Senator Muskie from sweeping the early primaries, locking up the convention in April and uniting the Democratic Party behind him for the fall, has been achieved. The likelihood—great three months ago-that the Democratic Convention could become a dignified coronation ceremony for a centrist candidate who could lead a united party into the election

I apologize for such a long statement, Mr. Chairman and members

of the committee, but I am now done.

Senator Ervin. The committee will stand in recess until 2 o'clock. Whereupon, at 11:55 a.m., the hearing was recessed, to reconvene at 2 p.m., the same day.]

# AFTERNOON SESSION, WEDNESDAY, OCTOBER 31, 1973

Senator Ervin. The committee will come to order.

Counsel will interrogate the witness.

Mr. Lenzner. Mr. Chairman, for the minority today Mr. Michael

Madigan of our staff will question after myself.

Mr. Bernhard, that was a full and complete statement this morning and I have very few questions. First, I would like to ask you, did you ascertain whether there was a pattern of questions and picketing aimed at Senator Muskie in his different appearances throughout the country?

Mr. Bernhard. Well, there was. Commencing sometime late in the fall of 1971, and continuing on through the Florida primary, there was a barrage of questions all involving a very few issues, abortion, amnesty, marihuana, and gay liberation. We heard this place after place after place, and I would like to say, Mr. Lenzner, I do not object people raising those questions, they are legitimate public issues. The problem was that they seemed to be planned, the people who were raising them seemed to have the capability of drowning out all others because their hands were always up or they were shouting, and they made communication on issues, those issues as well as other issues, most difficult.

Mr. Lenzner. We now know that from interviewing Roger Greaves and Mr. Segretti that funds from the Committee To Re-Elect were used to pay some of the pickets and people who asked those questions, and I wonder if you could tell us whether, because of those questions and picketing, and other incidents, the campaign had to modify its strategy in terms of its public posture on either issues or the campaign

during that period.

Mr. Bernhard. We determined, Mr. Lenzner, very early in the campaign, and I think, based in part on Senator Muskie's performance in 1968, that he had a unique capacity to handle hecklers and to display the fact that he was prepared to listen to those with whom he disagreed or who disagreed with him. We felt, therefore, that this seemed to be a year where people did not want to listen to long speeches. There was more a sense of participatory democracy, at least to the extent that people wanted to be heard and they wanted someone to listen to and to respond to their grievances, not just what the person on the stand happened to be saying. So we decided fairly early, it was part of the summer and early September strategy of 1971, that wherever possible we would cut speeches to the bone, and I mean 5 or 10 minutes, and leave the preponderant amount of time available for questions and answers. We thought this was a good way to communicate.

The fact, however, exemplified by the Whittier College experience and by some others, was that that seemed impossible to achieve. It was impossible because we heard the same questions, people were not asking about defense spending and they were not asking about Vietnam, and they were not asking about problems of the responsiveness or unresponsiveness of Government. What they were doing was raising these same four questions time and time again. So what we did do, and I am sorry to be so long in responding to your question, we did change that strategy and we decided we had better cut out these direct-confrontation kind of things with question-and-answer periods and reduce them to the absolute minimum, because they were not making it possible for the Senator to get his positions on the issues across.

Mr. Lenzner. I think you said before that in your own analysis, which you said had been Xeroxed by unknown persons in the head-quarters, that part of the theme of the campaign was to emphasize Senator Muskie's centrist position and we now also know, of course, that Mr. Segretti was pursuing efforts to raise questions on these other issues, and that some of Mr. Buchanan's memos reflected an interest in moving Senator Muskie away from the centrist position.

Did you make any effort to ascertain from the other Democratic headquarters whether these pickets or questions had been planted by other Democratic candidates, or did you suspect that they were?

Mr. Bernhard. Well, as I said in my statement, I think we were naive about politics in a Presidential primary campaign, so we were aware that we were going to be hit with activities which would be harmful and which—in our opinion—might not be ethical but there they were. I will be very frank to say that I never assumed that we were being attacked by anybody other than our Democratic com-

petitors and I must say quite frankly that the extent to which we had the questions on abortion, on amnesty, on marihuana, on gay lib, for reasons which you already heard and for reasons which I assume you are already aware, we assumed that the preponderance of those were coming from Senator McGovern and Senator McGovern's staff and it did not generate a warm feeling toward Senator McGovern or his staff.

Mr. Lenzner. Now, there has been testimony that a number of these busing posters were distributed throughout the State of Florida, and that with this kind of literature and other kinds of literature that you testified about, was the question of the extent of the distribution of

literature a concern of yours?

Mr. Bernhard. You are getting the heart of my greatest concern. What happened in Florida was that we knew about the ads in the Jewish newspaper. We knew about the ads that Senator Muskie was favoring the Castro government. We knew about the questions that were being raised "Would you accept a black Vice President?" We knew about the probusing posters. The problem that we did not know, the problem that caused me all the concern, was how wide it was; how much effort did we have to expend to counter it? Where should we expend that effort? Should we alter our media approach? Should we take out differing newspaper ads? Should we have people trying to respond to these positions? Should we try to issue news statements on behalf of Senator Muskie and beyond all the rest? It was the question: Where was it started? We were concerned to be perfectly blunt about it, about the problems, for example, about what the Jewish vote would be in southern Florida, where there is also a strong black vote. We were concerned; how widely were those matters distributed in that area? For example, at one speech, where the Senator spoke to the students at the University of Miami, the only questions that I recall being asked time and time again is "Would you accept a Jewish Vice President?" Well, that hurt. When I refer, in my statement, to that small scurvy little flier about the Warsaw ghetto, I did not know how widespread that was and I did not know what to do about it. When we saw the probusing posters, I got calls from Panama City, Tampa, from Jacksonville, and from Orlando about it.

What do you do about it? How far were they and how many were there? I have heard testimony there were only a few. I did not know that and I had to go on the defensive to try to devise a new strategy which I hoped would clarify the Senator's position, because these were constituent elements we needed if we were to put together any kind of good showing, and let me say, Mr. Lenzner, we did not believe we were going to win Florida but we hoped we would do better than fourth and I think some of these activities helped to

establish us in the fourth position.

Mr. Lenzner. I take it you can expend a considerable amount of energy and resources just to ascertain how widespread such literature might be disseminated, and I take it also that you can expend a considerable amount of the same kind of resources trying to catch up with the press—if the press carries such—covers distribution of that literature, and that means you are on the defensive and not on affirmative for your campaign. Is that an accurate reflection of the effect?

Mr. Bernhard. I think it is. The problem was we were thrown on the defensive because of some of these matters that were raised and per-

formed by Mr. Segretti.

As I say, I have said earlier before, I don't want to say we lost because of all of these incidents; I think they were exacerbating problems. But we were faced in Florida with a critical problem, and the critical problem was one of financing. I had already cut our budget by 50 percent. When I was called about the probusing posters I did contact our media people, both in New York and in Florida, to see whether we could get the money. Could we buy the time to try to clarify the Senator's position on this issue? Well now that was a diversion of our resources and it hurt because we didn't have the resources to divert.

Mr. Lenzner. Now, Mr. Bernhard, I would like to show you a letter from an individual by the name of Mr. Ficker that we had some summary testimony on this morning, and ask you if you can identify that document. Have you seen that before? That is a copy of the document.

Mr. Bernhard. Well, "My Friend Ficker" as he called himself in Montgomery County when he was running, is someone I have never met and I don't really care to meet. This particular document was prevalent in the State of New Hampshire in the week or two before the primary. It was distributed, in fact, to our headquarters in Manchester, I saw it in Burlington when I was up there with the Senator, and I saw it in Nashua and so I am quite familiar with the document.

Mr. Lenzner. It is headed "United Democrats for Kennedy" [previously entered as committee exhibit No. 197 and appears in Book 10, p. 4266] and its intent is very clear, to obtain write-in votes for Senator

Kennedy in the New Hampshire primary.

Mr. Bernhard. Quite honestly when I saw this, and I knew Senator Kennedy was not on the ballot then, I thought it was a rather clever effort to divert support for Senator Muskie to Senator McGovern, and I don't know what else I can say about it. It is unfortunate that the distribution was made.

Mr. Lenzner. I think your last exhibit that you have appended to your testimony, exhibit No. 244-31, is a pamphlet we also have had prior testimony on, Citizens for a Liberal Alternative. That apparently, was drafted by Mr. Buchanan and others, distributed to Mr. Greaves, Mr. Segretti. Did you see that pamphlet in New Hampshire?

Mr. Bernhard. I saw more of that particular matter than I did of the Ficker distribution. That appeared in a number of different places in New Hampshire and my understanding was, not understanding, firsthand knowledge, was that it was distributed in many

cities throughout New Hampshire.

Maybe to anticipate a question, it was our judgment, based on the nature of the pamphlet, that it was a McGovern staff contribution to try to undermine us with the liberal support we were seeking, and I had not recalled that this was a specific matter that I communicated with Mr. Mankiewicz about, but over the weekend trying to refresh my recollection I did call Mr. Mankiewicz and I remembered that I had, in fact, called him about this as well as the so-called Harlem for Citizens black phone calls.

Mr. Lenzner. Were you aware, by the way, during that period of time that copies of that were placed in Senator McGovern's headquarters in New Hampshire, by an employee of the Committee To Re-Elect the President, apparently intending to make it appear that they were distributing it?

Mr. Bernhard, No.

Mr. Lenzner. We also have had testimony, and you have testified, concerning the people coming into Senator Muskie's headquarters offices here in Washington. We have had testimony about Mr. Buckley, Mr. Wyatt, Mr. Gregory, and we have also had testimony that you did not refer to—by some of Mr. Segretti's people, that they had infiltrators in your Florida campaign. In fact we have had testimony that one of your campaign fundraising dinners was called off because the infiltrator leaked out the information that it was going to take place.

I would like to show you a document which is a memorandum from Mr. Magruder to Mr. Mitchell, when he was Attorney General, dated January 31, 1972,\* which appears to contain information taken from the files of Senator Muskie's headquarters and also information from

mail that was sent to Senator Muskie.

Can you take the opportunity to look at that document? I think that shows on that first page, after the cover memo, that the committee had obtained information that Senator Eagleton had invited Senator Muskie to a speech; is that not correct?

Mr. Bernhard. That is correct.

Mr. Lenzner. And are there not also indications of information concerning contributors of particular sums of money to Senator Muskie's campaign?

Mr. Bernhard. There are.

Mr. Lenzner. The second page, I think, has that in more detail.

Mr. Bernhard. Well, I see them. There are quite a number of them. I don't know all the people named in there as having been contributors. I can only say that maybe we will get into this a little later in response to some questions Senator Baker had earlier. It does raise some problems in my mind, and explanations in my mind as to why some of these people were concerned about anonymity because I must say it comes somewhat as a surprise that, to find out names are being sent to the Attorney General.

Mr. Lenzner. You did testify that the information was being sent to, and we have had other testimony to corroborate that, various newspaper reporters and the Attorney General and others in the Committee To Re-Elect. What was the impact of apparent leaks of such information or dissemination of such information on your internal

operations and on your staff organization?

Can you describe that in any detail?

Mr. Bernhard. Let me go back to one point and then maybe generalize about it. You made a statement about a fundraising dinner that was canceled in Tampa because of a leak that came out from the Tampa office about that dinner. It was frankly, it was a thousand-dollar-a-plate dinner. My judgment is that we would have gone ahead with that dinner had there not been a leak but I have to confess to you that we had hoped to have 20 people there and my recollection was

<sup>\*</sup>Later entered as exhibit No. 246 in Book 12.

only 9 appeared ready to show up for this at \$1,000 apiece. I was afraid once it became known we were having a dinner that that might be an embarrassment to show a lack of support and so since it came

out, we canceled that dinner.

In terms of the general question you raise about the impact on the staff, I don't know really how to describe it. There is no question in my mind that as a result of these constant leaks of information, and I was accused of it, we began to run something in the nature of maybe of a police state for a while. We cut out general coordinative staff meetings. Let me try to be precise about it. I usually tried to have a meeting once a day and at a minimum once every other day to brief the people on the staff, media, reporting, so-called boilerroom intelligence group. After everything started getting out and it was getting out at an ever-accelerating pace I just felt I couldn't take a chance on it. The result was that I began to tell people on the staff only what was indispensable for them to function. There was much resentment generated as a result of that because people felt they were being excluded. They were not in the confidence of the campaign. They spoke to me about it. I told them the reason why it was taking place.

The result of it was a certain demoralization in terms of the staff activities. Why weren't they part of meetings? Why didn't they go in to see Senator Muskie when we were having final recommendations made? And I must say that I found it disruptive and it was unpleasant because I didn't like the idea of having to say to people who had ostensibly committed themselves to Senator Muskie, "I don't know if I trust you"; and I called people in, I don't know how many times, depending on what the leak might have been or the story might have been, to talk to them about discretion, to talk to them about holding their counsel, about the dangers to the campaign, and finally taking steps to exclude

them.

It turns out that 99 percent of what I had done was wrongly directed, and these people denied what I had accused them of. I couldn't prove it. Due process didn't apply because there wasn't time to make it apply and I had to exclude them from these kinds of determinations and it hurt.

Mr. Lenzner. You have also testified this morning, Mr. Bernhard, that the campaign spent approximately \$18,000 for your Massachusetts primary. I think your charts show that the Illinois primary, which at least Senator Muskie won, was a totally self-funding operation. Our chart shows over \$100,000 expended on the activities you have described earlier. Would you consider somewhat over \$100,000 a significant amount, if your goal is to affect the opposite party's primary operations in a campaign?

Mr. Bernhard. I am not clear on what the \$100,000 was that you

are talking about.

Mr. Lenzner. The \$100,000 reflected the cumulative operations outlined in the lower portion of the chart, except for the so-called Liddy operation, which cost \$250,000, or at least, there has been some testimony to his receiving that amount. Do you think that the expenditure of over \$100,000 is a significant amount, if your goal is to affect the outcome on these kinds of activities?

Mr. Bernhard. You know, if I had had \$100,000, I do not think I would have used it that way, but it could have an enormous impact.

When I told you, when we were discussing this in executive session, we, in fact, literally spent \$18,000 for the entire primary in Massachusetts and that includes money spent by people living in Massachusetts. When I state we spent \$20,000 in Pennsylvania, that is all the national put in, but Governor Shapp, who endorsed the Senator, was asked if he wanted us to campaign to raise all the money and we put not a penny from the national headquarters other than some staff help, into the State of Illinois.

So if I had had \$100,000, even in Massachusetts, where we were unable to buy media time which we wanted, I think I would have thought that was an effective expenditure. If I had had \$100,000 on the other side to do us in, it would have been about four times what

I had for a permanent fight.

Mr. Lenzner. Having experienced these kinds of incidents, particularly from your vantage point as campaign director, do you have any recommendations or suggestions to this committee in terms of

possible legislation?

Mr. Bernhard. I tried to put some together, Mr. Lenzner. It is not easy for the committee to legislate in this area. In many respects, it is a matter of degree. I would recall that in the past election, the Fair Campaign Practices Committee stated that in nearly 20 years, it had uncovered, and I am quoting now, "no campaign tactics comparable in extent or potential damage to a free, self-governing society." So in a sense, maybe you are being asked to legislate or dictate political morality. And it is hard to draw those lines.

It is always a matter of degree. But, Mr. Chairman, you may recall that when there was an argument made before the Supreme Court and Justice Oliver Wendell Holmes was faced with the arguments that it was a matter of degree, he pointed out that the difference between civilization and barbarism is a matter of degree. I think that is the

kind of problem you are confronting right now.

I think there must be hard rules to limiting individuals' conduct during a campaign and there must be also sufficient flexibility for individuals to follow the dictates of their consciences as they participate in the democratic process. In an ideal democracy, the exercise of individual conscience would be wholly determinative of an individual's course of conduct during a campaign. But as these hearings have amply demonstrated, while we strive for the ideal, we fall short. So we need to define some new guiding principles.

I remember under some questioning from Senator Baker, we saw one young witness acknowledge that he had been willing to abdicate his own conscience even to the point of committing perjury to help secure an election victory. We have seen others rationalize illegal conduct by proclaiming that the alternative to Mr. Nixon was unthinkable.

We saw one witness assert that he was not even aware that it might be unlawful to steal confidential documents from one candidate and pass them on to the candidate's opponents. His rationale was that it was a political campaign and these things are done in a political

campaign.

So even though there were some who abdicated their consciences in 1972, I think many and probably most had their consciences serve them in good cause. The challenge before the committee is to strike that kind of a balance between the need for rules and the necessity that there be flexibility. I know it is not easy.

The logical starting place, and I will come to the specifics that I would recommend, is to focus on those areas where the existing law has been transgressed. Mr. Segretti and his operatives reported copious incidents of transgression. In dealing with the situations where individuals have seen fit to ignore existing laws, the most concrete recommendation I can offer is to tighten the enforcement and penalty provisions of the law. I think it unconscionable that nothing was done as far as Mr. Segretti's letter on Senator Muskie's stationery regarding Senators Humphrey and Jackson. No action was taken for almost a year. But let me go beyond that and talk about some specific recommendations.

1. It must be made possible to investigate and punish campaign law violators quickly and effectively. To this end, I would recommend that there be established an independent campaign commission similar to that proposed in Senate bill 372, but with meaningful investigative and prosecutorial authority to prosecute more vigorously the existing laws

and the laws which the Congress may pass.

2. Existing penalties must be strengthened. I would recommend that some provision be made similar to those which authorize citizens to bring civil actions and receive \$100 per day when their rights are violated by unauthorized electronic surveillance. In the absence of public financing contributors might be given a cause of action to receive liquidated damages when they have been defrauded of their

money via proven illegal campaign practices.

3. There is currently a Federal Law, 18 U.S.C. 612, which requires that campaign literature be signed. However, in the last election, we saw time and time again that the law was circumvented or ignored to such an extent that it was really meaningless. Now, the public, in my judgment, has the right to know the true source of campaign literature and I recommend more strenuous disclosure provisions, which would require the disclosure of the names of any individuals who helped either to compose and/or pay for such literature.

4. I would recommend that the committee follow a precedent estab-

4. I would recommend that the committee follow a precedent established by Mississippi law which requires that those disseminating political propaganda obtain the approval of the candidate for whom they composed the material or note on the document that such approval was not obtained. This is the kind of thing that has been done in the Fair Campaign Reform Act of 1971 as far as financing is

concerned. I would extend that to political propaganda.

Finally, I would extend the existing law relating to literature in 18 U.S.C. 612 so that it would include some regulation of the use of

telephones.

Now, telephones require the opportunity and access to telephone lines and I do not see why we cannot have the same kind of rules apply so we do not have the Harlem for Muskie calls and the canvassers after midnight. Maybe it will not stop it altogether, but there

should be a remedy and there is none at the present time.

This brings me to the infiltration of campaigns and the purloining of confidential documents. We all know that breaking and entering and stealing of documents is already unlawful. There are other practices, however, which are highly unethical and ought to be specifically spelled out in the law, and I would like to address a few comments to those.

In the first place, it should be unlawful for an individual to serve on the payrolls of competing campaigns simultaneously and pass confidential information from one campaign to another. To prevent this practice, I would recommend that the committee suggest legislation to prohibit the joining of a campaign organization with the intent to either disrupt operations or to pass on confidential information by any individual and to prohibit the inducement of such conduct.

In addition, there should be legislation similar to that which protects trade secrets. The theft or unauthorized copying of campaign documents, campaign stationery, and other materials not available for public distribution should be expressly prohibited, cite *United States* 

v. Bottone, 365 F. 2d 389 (Second Cir. 1966).

A final area is that of the misuse of government instrumentalities to thwart and undermine the campaign efforts of rival candidates. While I recognize that the administration in power has a responsibility to defend its programs and positions, any misuse of government power should be prevented. One man's abuse of power may be another man's legitimate exercise of it. It is often difficult to draw clear boundaries between a valid user of these government organs, which incidentally undercut a political opponent, and the wrongful application of government authority strictly for the benefit of the party in power.

I do not recommend that the committee undertake to render some abstract moral judgments in this difficult area. Rather, I would ask the committee to consider a plan whereby the public would be enabled to render judgments in government activities as they occur. Somehow, the agencies of government must be compelled to disclose their actions so the public can formulate timely judgments on activities such as the extended electronic surveillance of Morton Halperin

and Anthony Lake while they worked for Senator Muskie.

To this end, I recommend that the committee adopt a 2-pronged approach, and I must say this is an approach not of mine but one offered by Senator Muskie during the campaign in 1971. I think it has great substance.

First, he proposed an amendment to the Freedom of Information Act of 1967 which would have created reforms within the regulatory

agencies. Among the reforms were:

(a) A prohibition against regulatory officials meeting alone with

interested parties unless a public record is kept and disclosed.

This would have something to do with the willingness of those who are regulated, for example, to make financial contributions and have direct dealings with these agencies.

(b) A requirement that all communications to an agency be available to the public, with the exception of material like trade secrets

and classified documents.

And I have a recommendation on that in just a moment.

(c) A requirement that closed files be reviewed periodically to remove and reveal data which does not warrant continued confidentiality.

I might throw in and I am sure this committee is fully aware of the Florida sunshine law where public officials are not allowed to meet at all without the public having access. This does not go quite that far, but it is an attempt to give the public the opportunity to make an informal decision.

The second recommendation I would make in the same regard is in dealing with matters requiring confidentiality—like national security documents. Senator Muskie proposed that an independent board be established to oversee and declassify information which is presently withheld from Congress and the public indefinitely. Under his proposal in the "Truth in Government Act of 1971," S. 2965, a seven-member board would be appointed by the President, by and with the advice and consent of the Senate. Once empaneled, it would declassify materials after 2 years, unless it was decided that they were too sensitive for declassification, in which case they might remain classified for up to 12 years. Declassified material would be provided for public scrutiny. Moreover, the board would be required to provide Congress with whatever materials were necessary for Congress to discharge fully and properly all its constitutional duties. This would apply even to classified documents.

I make those two recommendations because they have the advantage of not calling for what I originally said was an abstract moral judgment by this committee but they would provide the deterrent of effective public scrutiny in making information available regarding Government action.

Mr. Lenzner, you asked me when we were talking if I had any recommendations for financing. I do. I will make them very short.

In July of this year, you are aware, of course, that the Senate passed S. 372, a bill which I believe would substantially improve the existing system of financing Presidential elections. Unfortunately, it seems to be tied up in the House, and while it does represent progress, in my judgment, it is essentially an interim solution. I believe there is great distaste for private financing of elections among politicians at large, among organized labor and obviously among the public, because I saw a Gallup poll recently which said 65 percent of the American people believe we should have public financing. But the problem is we have six major bills on public financing pending in the Congress. I tried to review those bills in preparation for this testimony. They are complicated, and they are so much at odds: some deal with primaries, some deal with general elections, some deal only with Presidential elections, some deal with congressional elections. I think my basic recommendation would be to find ways at this point to bring those various proposals into harmony, to find some way to subsidize general elections and maybe work out some matching system in the primaries with a requirement that a person demonstrate that he is a serious contender before he would receive any funds, Federal funds, to spend in a State. I think we have to limit contributions. I don't think the tax checkoff worked as well this past year as it might have because of the physical position in which it was placed.

But the more difficult problem is to reconcile all these differences in the bills that are now pending in the Senate. I would recommend that the committee request some form of nonpartisan, bipartisan, organization, if there is one that you can find with a reputation for great objectivity, to attempt to reconcile these existing proposals and formulate a model public financing statute, one which I would hope would be in effect by the 1976 Presidential election. Because, you know, I think it would be a tragedy to have held these effective hearings that you have held, brought out what you have brought out, and end up with no

reform in the area of campaign financing.

Lastly, just to the question of primaries, I know there are a number of bills involving the primaries. They may be beyond the jurisdiction of this committee.

I do not know whether we ought to have regional primaries, national primaries; I do not have that wisdom. I do believe, and I have a hope that we will find some ways that the States will end the concept of winner take all and go to giving people delegates and representation at the convention based on their percentage votes in the State, because this does a number of things. It is really more democratic and it avoids the possibility of any one candidate having a superabundance of money and, therefore, garnering a disproportionate share of votes contrary to the public will.

Those are the best I can do, Mr. Lenzner.

Mr. Lenzner. I appreciate those.

I did not quite understand, when you were discussing what areas of activity might be prohibited, were you suggesting the creation of specific criminal statutes as you have described some effective deterrent

to such activities, or were you suggesting something else?

Mr. Bernhard. I was suggesting a combination of civil and criminal remedies. I think that the criminal remedy is a shot across the bow and may generate some trepidation and fear on the part of the activists who may be transgressing the law. Civil remedies, however, would be another deterrent and that is to make people realize that it may

be cutting deep into their wallet if they violate the law.

I do not know, I have no way of knowing what the rule providing penalties on electronic surveillance, the liquidated damage provision, has done, whether it has been a deterrent. But I think and I can assure this committee that many of our contributors, when they began to hear what happened, were talking to me about was there not any kind of remedy available for recouping some of the money they had already contributed to the campaign? I made it clear there was not. So I am talking about a combination of both civil and criminal.

Mr. Lenzner. There is, as you have noted, section 612 of the U.S. Criminal Code, which is a misdemeanor. Would you also recommend

that that and other statutes might be enacted into felonies?

Mr. Bernhard. I think something has to be done to bring people up short, make them aware that this is really serious business. I think it was, in the concept of some of these people, a big joke, a big game, a Halloween prank, with a penalty so meager it was not a deterrent.

Mr. Lenzner. Your testimony this morning reflected some considerable concern over the distribution of literature prepared and funded by Mr. Mott. I believe his name was on that. How can this committee or the Congress deal with the situation where a person, with resources of that nature, distributes literature that you found, I think, unacceptable?

Mr. Bernhard. That is mild.

Mr. LENZNER. That is a mild way of putting it.

Mr. Bernhard. That is very difficult. The problem is we seem to be saddled—I don't mean it in an unfair way—with the Sullivan case which makes it necessary that the public officials involved prove malice before they can win a libel suit. But I am not at all sure we may not want to develop some kinds of provisions which, in a campaign, would reinstitute the legitimate action for libel when that kind of material

is published. The only difference between Mr. Mott and some of the Segretti activities, as I tried to think about it, is that he surfaced, he put his name on it. It was really the difference between maybe a guttersnipe and a pack of sewer rats.

Mr. Lenzner. The other question I have is, do you recommend any legislation affecting the use of resources or funds by one political party to affect the outcome or influence the outcome of the opposite party's primaries? Or do you think that is encompassed in specific——

Mr. Bernhard. Well, I don't know. Let me say what the problem is. We have to be realistic. We are a democracy. If I were the party in power, I would attempt to assert to the best of my advantage all that I had accomplished and all that I might accomplish. I would have some reservations about telling the party in power, you cannot set up a truth squad to answer Senator Muskie, or you can't send the Cabinet out to speak in behalf of your programs, even in the course of a primary. I think, though, when money is used for the kind of deceitful practices which are involved, I would prohibit that. I don't think there is any excuse for that.

Mr. Lenzner. I meant specifically the area of the kinds of testimony that we have had of sending infiltrators into the campaigns, of attempting to disrupt meetings or gatherings, or attempts to steal

documents or mail.

Mr. Bernhard. Well, I think it should be outlawed. I think if we are going to find a way to restore a semblance of confidence in the public affairs of this country, we are going to have to restore it by preventing deceitful and treacherous and fraudulent activities so the people can make a choice. My biggest problem with the 1972 and 1971 period is that I think the American people were deprived a choice. I am not saying it is just because of these activities, but I am saying that they certainly contributed to it.

Mr. Lenzner. Thank you, Mr. Bernhard.

That is all I have, Mr. Chairman.

Senator Baker. Mr. Chairman, Mr. Michael Madigan, who is assistant minority counsel, will examine the witness next, with your agreement.

Mr. Madigan. Thank you.

Mr. Bernhard, if I might invite your attention for a moment to the chart that has been introduced into evidence before this committee, with particular reference to the point on the chart which indicates that Senator Muskie's lowest point of popularity during the year 1971 was in September, 35 percent or so, and this was, according to the chart, well before any of those dirty trick activities were directed against Senator Muskie. Would you not attribute this to the financing and structural organization problems that you experienced during 1971?

Mr. Bernhard. I think they were a part of it. I think also that there was a natural decline from the November election eve speech of 1970. We had anticipated a decline. There was no way that he could keep up the level of support that was generated right after that, and we had anticipated a decline. And frankly, during the period of the spring of 1971, we knew or believed we were the frontrunners and we thought that to come out even further would make us more vulnerable to attack from many more different groups of people. We were trying to run a quieter and less public campaign. So I think that was a major

factor during the spring, and I think I have stated that publicly dur-

ing the course of the campaign.

Mr. Madigan. Do not your examples with regard to Massachusetts and Pennsylvania illustrate that the predominant problem of the Muskie campaign, which led to the Senator's withdrawal, was the lack

of financing?

Mr. Bernhard. Mr. Madigan, that was the culmination. We did have, and I have not tried to mask the fact that we had finance problems all along. What finally led to the withdrawal from the primary was a combination of circumstances which I tried to indicate in my earlier statement. I believe that by the time we had gotten to Massachusetts and Pennsylvania, we had been so cut up, in Mr. Buchanan's phrase, that we were bleeding and that it was difficult to get financing. And it is certainly true that subsequent to April 25, we didn't have any money to continue.

Mr. Madigan. In discussing the dirty tricks section of your statement, you indicated and criticized the systematic heckling, as you put it, which included at one point the throwing of eggs at Senator Muskie. You don't suggest, do you, that these heckling activities and this type of violent conduct occurred anywhere near as much in Senator Muskie's campaign as they did in the campaign of the President and

the Vice President?

Mr. Bernhard. I can't speak about what happened in the campaign of the President and the Vice President. I can only really testify as to what I perceived and what I know happened to us.

Mr. Madigan. Did you have any knowledge of or could you tell us whether any State campaign headquarters of Senator Muskie was de-

stroyed by arsonists?

Mr. BERNHARD. I don't know of any; no.

Mr. Madigan. Could you tell us whether Senator Muskie or his wife ever attended a dinner and were speaking when large masses of demonstrators attempted to storm the building?

Mr. Bernhard. Oh, we had a few incidents where there was disruption when both the Senator and his wife were at dinners. I can't speak to that with any precision, but I know that we had disruption,

I assure you of that.

Mr. Madigan. Now, you cite in your statement several examples of memorandums written by Mr. Buchanan and you apparently attempt to link those to the activities of some of the Segretti operatives. You know of no evidence, I take it, that Mr. Buchanan either knew of, approved of, or ordered any of these specific activities by Mr. Segretti

and his operatives.

Mr. Bernhard. Mr. Madigán, I am not sure about that. I understood that Mr. Buchanan did have some meetings with some people, Mr. Chapin and some others, sometime early in 1971. I don't know that. I can only go back to what I believe. That is that when you set the guidelines, you have set the policy for the kind of strategy you intend to follow. And I have always believed that a person is presumed to intend the natural and probable consequences of his acts and that they are his own acts if they counsel or advise or authorize or encourage others to perform those acts and if others perform them, not in the manner or not in the way they anticipated, they still are a culpable party. I have no direct knowledge that Mr. Buchanan did any of these, other than he attended this meeting.

Mr. Madigan. If you were at a strategy meeting in which you counseled that Senator Humphrey would be your main opponent, I assume that you would not think it would necessarily follow that a distribution of a flier of a terrible nature against Senator Humphrey would have been the result of any sort of direction from you at that meeting,

would you?

Mr. Bernhard. It would depend on what I said. If I said, let's get Senator Humphrey, it is important that we undermine him, put a stick in his cage and have him come out howling in some way, and it was done in those tough terms and something occurred, I wouldn't say that I had no culpability or no responsibility for the agents, whether they did it in the manner that I had thought would be appropriate.

Mr. Madigan. With respect to Mr. Mott's activities, could you identify for the record the accountability project that Mr. Mott

distributed?

I believe it is found in exhibit No. 244-26.

Mr. Bernhard, Yes.

What would you like me to say about that?

Mr. Madigan. Well, just for the record, to identify exhibit No. 244-26, it is the document you were speaking of when you spoke of Mr. Mott's distribution?

Mr. Bernhard. It certainly is.

Mr. Madigan. Do you know Mr. Stewart Mott and do you know whether he was a supporter of or large contributor to any particular

Presidential campaign during 1972?

Mr. Bernhard. Mr. Madigan, in my assumption, Mr. Mott had been a contributor to Senator McGovern. I made no bones about it that I had believed when this came out that this was being done by Mr. Mott being an agent for the McGovern staff and the McGovern organization. I can't prove that is the case now. I don't know what Mr. Mott would say about that.

I know that I have talked to Mr. Mankiewicz about it and he has vehemently denied that fact. And at this point I would have to ac-

cept his denial.

Mr. Madigan. In your statement, you made references to an incident occurring in Kennebunkport. Maine, involving a man named Lofton. Were you present at that gathering?

Mr. Bernhard. I was.

Mr. Madigan. Your statement, as I understood it, accused Mr. Lofton of snooping at that gathering?

Mr. Bernhard. It certainly did say that.

Mr. Madigan. Was that gathering held at a place called the Shawmut Inn?

Mr. Bernhard. It was.

Mr. Madigan. And did your campaign people rent the entire prem-

ises of the Shawmut Inn?

Mr. Bernhard. If we didn't rent the entire premises and I don't know the facts, I don't recall them, we rented darned near the whole Shawmut Inn. It isn't that large and we had a lot of folks up there.

Mr. Madigan. It is a public place, is it not?

Mr. Bernhard. It certainly is.

Mr. Madigan. With respect to Mr. Lofton, did you have employees attending that meeting by the names of Michelow and Buxton?

Mr. Bernhard. I assume Mr. Michelow was there. I don't know Mr.

Buxton. I don't know if he was there or not.

Mr. Madigan. Were you aware of, and I notice it was not included in your statement, the physical assault of Mr. Lofton by some of your people, pushing him down the hall and trying to throw him out of the room?

Mr. Bernhard. That is one of the grand fictions of 1971. I was there during the whole time. Mr. Lofton attempted time and again to break into private meeting rooms, to have—to accost individuals as they came by the reception area, to demand their names, to demand their addresses and find out what businesses they were involved in. He became abusive, and we asked him to please depart. He would not depart from the meeting, and we tried to remove him from that. There was no physical violence beyond that. Mr. Lofton is a very good writer, he is very imaginative, and he, I think, referred to that meeting as some SS kind of operation against him, and I give him a lot of credit for imagination.

Mr. Madigan. Are you saying that it is not true that he was shoved

down a public hallway at that meeting?

Mr. Bernhard. He was not shoved down a hallway, to the best of my knowledge. He was sure urged to get out of there to the extent that he was trying to interrogate our private guests. We tried to prevent him

from doing that and, I think it was legitimate.

Let me say, Mr. Madigan, I still don't know what he was up there for, except that he tried to get a list of people to submit them to the White House to form the enemies list. I remember when Mr. Strachan testified as I looked at it, when he was asked about the enemies list, he said it had nothing to do with the enemies list, had nothing to do with anything except they wanted to upgrade the White House social list and wanted to exclude those people.

Mr. Madigan. He was a writer to the extent that he was a writer for

a Republican newspaper, was he not?

Mr. Bernhard. He certainly was.
Mr. Madigan. Did you make any restrictions that the press would not be allowed in?

Mr. Bernhard. Yes, it was a private meeting, no press.

Mr. Madigan. Did you exclude the press from the meeting?

Mr. Bernhard. That is right.

Mr. Madigan. You mentioned the press conferences. Do you feel that a candidate for the Nation's highest office should be able to answer any and all questions that a person at a press conference might want to ask?

Mr. Bernhard. I do.

Mr. Madigan. I thought I understood you to object to certain ques-

tions that were asked at press conferences?

Mr. Bernhard. No, I only object when there is a pattern almost in the nature of a conspiratorial pattern where there is such a drowning out, such a reiteration of the same question, that it prevents communication between the candidate and the people at large. Where those who want to ask questions which go beyond amnesty and abortion and marihuana never have that opportunity. I recognize we are talking about a fine line and fine degree. But I think a candidate should be ready for anything. I think there is a problem in a democracy when people are precluded from really engaging in communication. That is what I object to, and that is what I objected to during the campaign.

Mr. Madigan. I was a little unclear on your objection to the pickets. Did you object to the persons carrying signs regarding taking a

black Vice President or a Jewish Vice President?

Mr. Bernhard. That is legitimate. But I think they should have been properly identified as to whom they were. I objected to the signs in front of the Manger Motor Inn in Tampa because they gave the impression that that was Senator Humphrey or Senator Jackson. I objected to the ads that were taken in the paper because it looked like it was another competitor or nominee competitor. I think if you have pickets, you should identify the sources of those pickets.

Mr. Madigan. You have no objection to the pickets, only the hiring

of them by various people.

Mr. Bernhard. I object to deceit and fraud in those pickets; I object to people giving the appearance of being one thing and representing

one candidate, and being someone else.

Mr. Madigan. Now, with respect to the 1972 Presidential election, and without in any way attempting to condone the activities that were perpetrated by Mr. Segretti and his operatives, do I understand your testimony before the committee to be that the victory which the President achieved, 49 out of 50 States, was due to the fraud that was

perpetrated by these dirty tricks?

Mr. Bernhard. I can't make that statement, Mr. Madigan. I don't know what would have happened if we had had a different atmosphere in the primaries. The President had a great deal of support. There was a good deal of friction within the Democratic Party subsequent to the convention. I believed before and I believe now that the country would have seen a very different contest if Senator Muskie had been the candidate. But I don't want to sit here and say that but for these activities, another man would have been President. I do think it had an impact upon the campaign, but I can't quantify it.

Mr. Madigan. How would you compare the impact on the campaign of the dirty tricks versus your campaign decisions to enter a large number of primaries with inadequate financing and the financial dis-

closure issue, those types of things?

Mr. Bernhard. At the time we made that decision, it seemed good. As I said, I think our appetites were excessive. We knew we were taking a high risk. We thought we could wrap it up in the first few primaries, and we thought that by winning the first few, it would create new sources of money and new momentum, and it would probably reduce the ultimate expenditure of money because we wouldn't have to go through so many primaries.

In hindsight, I can look back and say, I wish we had targeted a few primaries and done it that way. But we ran into these unexplainable problems in New Hampshire and in Florida very early. Our momentum was impeded. This affected our ability to raise funds, and it was obviously ultimately, looking back, a strategic mistake because it

pinned so much on doing so well in the early primaries.

Mr. Madigan. I take it, then, Mr. Bernhard, that you disagree with statements made by Senator Humphrey on the "Meet the Press" program on July 1 of this year, where he indicated that he didn't think they had a great deal of effect, and in fact thought that the dirtiest trick of the campaign was the one the Democrats played on themselves by their "crazy system of quotas and subquotas."

Mr. Bernhard. I don't know the environment in which the Senator made that statement. That was also a statement made prior to a lot of testimony that took place here. I do not think it is very easy for anybody to evaluate what the impact is until you have had a chance to absorb and analyze the testimony and evidence that had been adduced before this body. I don't want to disagree with Senator Humphrey. I don't think I am equipped to either disagree or agree with him.

Mr. Madigan. I take it, then, that you are not going to disagree with Senator McGovern's statement on the weekly program, "Thirty Minutes With," where he indicated that he didn't think the dirty tricks influenced more than 100 votes one way or the other.

Mr. Bernhard. I can understand him saying that.

Mr. Madigan. Mr. Chairman, I have some questions with respect to financing, but I would like to defer those for the second round, if I might.

Senator Ervin. Senator Montoya.

Senator Montoya. Mr. Bernhard, one of the things that disturbs me about the last campaign was the inability of the particular candidates who were victimized by these dirty tricks, to ascertain in sufficient time to expose the authors of these dirty tricks. What suggestions do you have by way of legislation to have someone within the framework of legislation set up to make an early investigation, on the spot, and reach a determination, and place the blame so that the people will know whether or not if somebody alien to the campaign was perpe-

trating this fraud and deceit upon the American people?

Mr. Bernhard. Senator Montoya, you are asking about the hardest question I think there is. I suggested this concept of an independent campaign commission may be expanding on the concepts of Senate bill 372, but how you set up a peremtory investigation without the opportunity for decision and review of those decisions, I don't know. This bedevils every effort at reform. It may be that you have got to accept the inability to do that prior to an election but provide penalties, including possibly the forfeiture of particular delegates in a State subsequent to the election, should that be proven. I don't know how to do that one, Senator Montoya. It is tough.

Senator Montoya. Well, here is what I have in mind: That many of these dirty tricks occurred, say, 2 or 3 days before an election or perhaps on the eve of an election, and there is no way to counter them, and you may have a stiff penalty in the law which prohibits these activities and that is not going to help the candidate. The candi-

date might be defeated because of these dirty tricks.

Now, would you favor, and would you recommend, the establishment of, say, a national commission on truth with referees to make determinations on the spot at the different State and local levels, if

those determinations are possible.

Mr. Bernhard. Well. if it could be done, and afforded due process protection so that people are not maligned for things they didn't do, I would be in favor of that. I don't know that it can be done, Senator Montova. I wish it could. I do believe that the work of the Fair Campaign Practices Committee, as laudatory as it might be, has no investigative power. It just publishes the facts it receives, and that doesn't do very much.

Senator Montoya. We have no legislation, for instance, on copying of documents by an employee, we have no legislation with respect to deceptive ads or the use of spies by one campaign organization within the other campaign organization, we have no Federal law to cope with false literature except that we have a law under our Federal structure to require the signature or to denote the sponsorship of the particular literature which is circulated. But I don't think we have a Federal law dealing with the falsity of such literature, and we have no Federal law, and I doubt whether we have any State laws, I am not aware of any, dealing with distortions of stands on the part of candidates with respect to issues, and these are the things that deceive people and place a fraud on the voter, and these are—it is very essential to guarantee to the American voter the integrity of the electoral process, otherwise they will be in a state of confusion and make a decision which is premised upon information, bad as it might be, deceptive as it might be, which they receive, and now what do you have to say to counteract such possibilities?

Mr. Bernhard. Well, as I tried to indicate, Senator Montoya, I believe there should be some changes in the law, changes in the restrictions on literature, political propaganda which is being put out. It may well be that we want to call a halt to some of the last minute television and media advertising a number of days before the final campaign where it always seems to get rougher, cruder, but I think the kind of things you have addressed yourself to are the kinds of things I hope this committee will make some recommendation on because I don't think we should continue with fraud and deceit and I mentioned the telephones. I don't know how that can be done but I think the telephones have become the new letter, the new literature, and I think that with the growth of, the acceleration of electronics,

there has to be some way to prevent that misuse.

Senator Montoya. I have no further questions, Mr. Chairman.

Senator Ervin. Senator Talmadge.

Senator Talmadge. Mr. Bernhard, in your testimony this morning you referred to the so-called Canuck letter. Do you know anything

about the origin of that?

Mr. Bernhard. No; we have tried very hard, Senator Talmadge, to ascertain its origin. There has been much speculation in the papers and elsewhere. We don't know to this day how it started. I have no question but it is a total fraud, a total hoax. Senator Muskie never made the statements that were attributed to him. There were two letters, one letter in the name of Paul Morrison before the primary and then subsequent to the convention some individual by the name of Eldredge wrote in a letter to the Manchester Union Leader saying, "I must confess I cut down the tree, I really did it, and I was working for McGovern." I think that was a hoax as well.

Senator TALMADGE. Did they have any grand jury investigation?

Mr. Bernhard. None that I know of.

Senator Talmadge. I have no further questions, Mr. Chairman.

Senator Ervin. Senator Baker.

Senator Baker. Thank you, Mr. Chairman.

Mr. Bernhard, I think you have made an extraordinarily useful and valuable witness for the committee's record. I think you have given us insight into a primary campaign of a major candidate for

the Presidency. You have identified areas of difficulty, of concern, of

frustrations, and disappointments.

I might say parenthetically that you worked for a very fine man, a man for whom I had and still have a very great respect. I was personally sorry, as distinguished, I suppose, from politically sorry, to see him badly bruised and battered in the Democratic primary campaigns. But for a variety of reasons, including the fact that I was a Republican fighting for my life in a Democratic State in 1972, there was not much I could do except watch with growing alarm. You worked for a great man.

I would like to wander a little more than we have so far. I would like to impose on your insights and experiences and good judgment to explore an aspect or two of the more fundamental concerns that I

harbor about Presidential campaigns.

Let me recite a brief litany of my concerns. I have been told, for instance, that there are some upwards of 10 million people who may be engaged, in one way or the other, directly in Presidential campaigns in the course of an election year, block workers, precinct workers, campaign organizations and the like. Our proof so far indicates it was upwards of maybe as much as \$100 million spent in combination of the primaries and the general election in 1972. I believe I am right that there isn't another corporation, association or group in the United States that would rival in size that 10 million, if that is right, dedicated to that particular endeavor let alone one put together in a matter of weeks, a staff in many cases by absolute strangers, responsible by an organization chart and little else, if that, on occasion, responsive to the requirements of the candidate and instruction of managers only marginally on occasion, I suspect; and then of course the terrible, awful voracious appetite for money this animal develops. It takes an awful lot to make that machine go, whether you are a Republican or Democrat and I for one wonder, Mr. Bernhard, whether or not Presidential campaigning is essentially unmanageable, as we

I am wondering if we don't have to give some fundamental thought to how we set about selecting and electing a President. I wonder if we haven't so gotten into the business of selling Alka-Seltzer that we spend all our money on appearances and not substance. I don't mean to malign Alka-Seltzer but the advertising campaign of a Madi-

son Avenue approach is what I am trying to describe.

I will get now to the point of asking you a question. If you had the opportunity, based on the experience you have had and the judgments you obviously possess, do we structure the whole system of campaigning, of electoral reform, of the Presidential selection system, disregarding for the moment the question of requirements of changes in the statute law or even in the Constitution, would you care to cut your ropes and let your balloon soar and tell me how you would do that in the best interests of the Republic.

Mr. Bernhard. It is a mighty big question, Senator Baker.

Senator Baker. I think it is asked from a mighty big witness and I would like to have his response.

Mr. Bernhard. I have thought that—I will take a stab at it without

great hope of success.

We have to do something to reduce this incredible primary system. The Democratic candidate faces 24 to 26 primaries. We are not talk-

ing about ignoring the Constitution now so I am aware of that. Every State has a different rule for the primaries. We went through a great legal problem for from 6 weeks to 2 months trying to figure out how we qualified, what the impact of a particular primary would be, where the delegates were binding, whether we had a beauty contest, whether it was a discretionary primary, and when we got to the convention stage it wasn't just the results, every procedure in every State was different, and I can assure you we made mistakes and got confused in some of those from a legal standpoint.

Some way, we have to find a way, whether the party should do it, whether the Congress ought to recommend some procedure to do it,

we have got to reform the primary system.

My problem is when people say let's have regional primaries, let's have a national primary, the problem I see with a national primary is that you could have one convulsive national event which could determine the outcome of that primary and have nothing to do with the concept of electing the best man to be President. In the regional primaries there would be the question of what order to follow. I thought maybe you could have some segments of regional primaries where the winner of each regional primary could finally contest for the ball game. But the one thing I am certain, if we keep going the way we are going now they will become more and more expensive. My recollection was, Senator Baker, that in 1952, in all the Federal elections, including Presidential, \$150 million was spent. In 1972, including the congressional, Senate, and Presidential elections it was close to \$400 million. It will get worse.

So I think we have to improve on this by shortening the period of time for campaigning. I know there are some bills pending right now that would do that. I would like to see that done. But, in the long haul, you get down to that very knotty problem of who is paying for it all. Maybe you eliminate a number of people who aren't far enough advanced to raise enough money to even compete in the primaries. I would hope we haven't gotten to the point where people like Senator Muskie, who really is not a man of means, are excluded. It would be tragic if a person like that were excluded from the process but I think

it is very unfair for him not being from a big State.

Senator Baker. Would you say once again, parenthetically, that money is maybe the biggest single problem in the campaign?

Mr. Bernhard. If you had enough money, I could organize in 200

States.

Senator Baker. May I just say there is all the difference in the world between not enough money and enough money, and no difference at all

between enough money and all the money in the world.

Mr. Bernhard. I can assure you, Senator, that we could have done a very different job in many different States if we had the money. Sure, money is vital. The question is how much is the country prepared to expend? When we talk about Federal financing, I think it has been estimated that will cost each taxpayer \$1 or \$2. Maybe it deprives some people of their convictions to be able to give money by doing it in that way, having an exclusive Federal financing system but it seems a very trifling amount of \$1 or \$2 to assure that there will be no corruption in a campaign and to enable people to compete on the merits rather than sending them to campaign with one hand tied behind their back.

So, I think money is a very vital issue. That is why I just pray that this committee will come up with some recommendation of how to

handle the financial aspect of this campaign.

Senator Baker. Do you agree there is just as much a contest to find out who a man is, as well as what he is, in a Presidential campaign, and name recognition is sometimes more important than convictions and issues in the campaign.

Mr. Bernhard. Absolutely correct.

Senator Baker. Any suggestions of how we can change that? I suppose reducing the amount of money you can spend on spot announcements or on television or advertising might have something to do with it.

Mr. Bernhard. No; I would not be unhappy if the committee were to arch its back and just say, "Let's end these 1-minute television spots."

I think they are inherently deceptive.

Senator Baker. On the other hand, let's take the situation of an incumbent President and a challenger. Maybe a challenger in some future system that has not had public exposure and name recognition that primaries give to him in the national campaigning, the political circus brings to him. What a problem he would have in trying to gain recognition, to try to let the people, in fact, know who he was before they found out what he was. So, I wonder about that, too.

I wonder how you balance the advantages of an incumbency.

Mr. Bernhard. Well, there has been a problem, as you know, Senator Baker, trying to establish the concept of the loyal opposition. When the President speaks, those who would disagree with his policy, the institution of the Congress, should be enabled to respond. The television networks are not entirely favorable to that proposal. I think we have got to find a way during a delimited period of time to have television made available, maybe without, maybe with public financing or maybe with no financing.

Senator Baker. What about our friends over here from the writing press, I suppose they would argue that they affect as much opinion in the United States as the electronic media. There is no way on earth I know of to have a corresponding balance with the writing press, is

there?

Mr. Bernhard. I don't know how to do that.

Senator Baker. I don't either, unless you elect the press, you might do that, but I doubt that.

Mr. Bernhard. None of them would get in office. [Laughter.]

Senator Baker. What about the business of selecting a Vice President! Do you have any suggestions on how we might improve on that technique! Senator Griffin, I understand, proposes that we might possibly dispense with the popular election of the Vice President in tandem with the President and let the 25th amendment come into operation there after the selection of the President. Other suggestions have been made that a candidate, to qualify to run in a Presidential primary, would have to declare a list of names from which he would propose to select a running mate so at least some minimal accounting of that likely choice could be taken by the country. None of these really appeal to me but the present system doesn't, either. Do you have any suggestions in that respect!

Mr. Bernhard. Senator Baker, I am just not omniscient.

Senator Baker. I am not omniscient either, I was looking for somebody else.

Mr. Bernhard. I don't think I really have an answer for you on that. I do feel that whoever is Vice President must be able to work in har-

mony with the man the people elect.

Senator Baker. We tried it once, you know, let the first man be President and the runner-up be Vice President and we had dueling a lot.

Mr. Bernhard. I think the one single clean problem is we don't seem to spend enough time in the search and investigation of the qualifications of that man who the President feels is qualified to run with him and one with whom he can work. Maybe there is some kind of procedure we can set up for that. Maybe if you get four or five different people whom you carefully investigate before you get to a convention, but I am not sure we can resolve the problems by

changing all the systems of the country at one time.

Senator Baker. I am not either but I am sure that my balloon is loose from its moorings to the point where I am going to let my imagination soar. I want to think about it. I think I will probably end up at a much lower altitude than I am suggesting to you now. But you know I really get the feeling sometimes that political campaigning in the United States, whether it is for the Senate or for the Presidency, is more like college politics than it is like the real fundamental issue-oriented crucially important business of selecting the Chief Magistrate of the United States. I think Madison Avenue has captured us so thoroughly that we are dealing with fluff instead of substance and fluff costs a lot of money and takes a lot of people and creates a lot of distortions.

Mr. Bernhard. Senator Baker, I said in my statement, I really do not know how I can convey this with any greater sincerity, the money issue is so real, and it is not just because we ran out of money. It was the time that was spent in trying to use the Senator's presence to secure money, dragging him from dinner to dinner, reception to reception, here is another contributor, interfering with his Senate schedule, this was incessant, and I assure you he did not find it one of the most desirable occupations that he had run across in his 25

years in public life. It was endless.

I remember Senator Harold Hughes when he dropped out just said, "I can't stand raising money," and I think darned near everybody who is in it has the same feeling. So that is the reason I would like to see candidates removed from having to find ways to stay alive or to compete.

Senator Baker. All right. I want to talk about two more things

and I will relinquish my time, Mr. Chairman.

The first one is how, if we went to public financing, we could protect against guidelines of bureaucratic rules and regulations, and the second one is this question of full disclosure versus the right to anonymity. I know Senator Muskie disclosed all of his contributors, I believe that is correct, including his pre-April 7 except for the anonymous requests.

Mr. Bernhard. Except for a period from January 31 to April 7, when we were busy with other things and we never did disclose them,

but the books had been made available.

Senator Baker. Very good. I did the same thing and I know from firsthand experience a lot of people were genuinely angry at me for disclosing those names. I did it frankly, because I was on the committee and I just wanted to get that out of the way since I was the only one on the committee who ran in 1972, and we turned up a few-I am not going to tell who-I see my Tennessee press is already scrutinizing me—but we turned up a few, who had contributed to both sides, you know, and that did not set very well.

Mr. Bernard. We turned up quite a few.

Senator Baker. And we found a few others who just were upset

about it, a few who claimed they were entitled to anonymity.

Senator Ervin. I would just say, like a man on his death bed and the priest told him, "You have a short time in this world, so you had better renounce the devil and all his works," and he said, "No, I am not going to do a thing like that because I do not know whose hands I am going to fall into." [Laughter.]

Senator Baker. I am in no position to make—OK, let us talk about that for a minute. That has to do with private financing of campaigns and whether, in fact, there is a valid basis for requesting anonymity. This has come up before in the committee and I will not try to lead you into an answer. Do you care to elaborate on that any further? There would not be a problem for us to get public financing but I want to talk about a few problems there in just a second.

Mr. Bernhard. Of course, right there it is not just a problem with

the Campaign Reform Act.

Senator Baker. Since we passed that period of adolescence.

Mr. Bernhard. It is a very hard question. You know the implication in that is that people who contribute anonymously are contributing dirty money, money from the corporations or unions, banks, they are dealing in cash. Cash as a legal tender is no longer acceptable in terms of the public mind. At the same time you have got this problem that I tried to address myself to. Some people have internal family reasons why they do not want to contribute openly. Others, as I indicated quite explicitly, did not want to contribute publicly because there had been a kidnaping of the son of one of our contributors in California; the fear of the administration in power retaliation and all the rest of them. The problem that I am worried about is if you retain private financing there are many, many people who simply will not contribute, and I can say this with as much conviction as I can say anything, that the estimates of what we lost, after we disclosed before the Florida primary, run from a decline of a half million to a million dollars that we had anticipated that we might receive.

Senator Baker. Because you disclosed?

Mr. Bernhard. Because we said that we would then be forced to disclose. We were told by people—I know that we attended a dinner, I know we talked to Senator Muskie, I can tell you that I was on the phone in the Americana Hotel in Miami Beach for 3 days calling contributors, those who had made pledges or commitments and those who had made contributions, to say this was a decision that had been made and it would have to be followed. It cost us dearly.

Now I am saying it should not. I do not want to get into the ethics of whether one thing is better than another but if you are going to keep private financing I think you are going to find that come 1976 a very significant number of people simply are not going to participate financially in these campaigns. They are concerned, they are concerned about retaliation. I must say that the result of the facts that have been adduced in this hearing would sure make me very concerned to become a well-known, high rolling contributor to a Democratic opponent of the administration in power. So I am not prepared to say that the whole concept of anonymity is bad. You would like it done away with but I think short of public financing it will decrease the amount of money available for the opposition party and particularly for the lesser-known candidates.

Senator Baker. Especially in the case of a challenger against an

incumbent.

Mr. Bernhard. I think that is a valid observation.

Senator Baker. I have a lot of other questions in that respect, but I will pass them now and go to the other question and that is, I have always instinctively had a suspicion of public financing. I have never quite trusted it, mostly for the reasons I just told you. I think it is such a delicate part of a democratic system that I sort of hate for the engine of government itself to dictate methods itself, and finance

techniques by which its own officers are selected.

This may be too high a philosophical value, but it does bother me. And I am worried about a great many things, such as how we have an impartial administration, of the fact how we make realistic or diminish the advantages of incumbency, how we permit people to become valid challengers, how we guard the rights of those who do not want anything to do with either candidate, and there is a great body of those on occasion, I am told, even sometimes that the majority of people vote against someone instead of for someone. I variously believe that or not, depending on whether I was running against someone or for reelection. Do you care to give me any further insight into how you think public financing will work and what the dangers are?

Mr. Bernhard. I tried to take a look at the six or seven bills which are pending in the Senate, and you know, I would like to say if we were going to have public financing it should apply to Presidential as well as congressional, Senatorial elections, everybody ought to be in the same bag. I think I would be inclined at this point to focus my attention on the Presidential campaigns because of their extremely heavy costs. My inclination would be to have some kind of a matching grant program for the primaries where a contender in those primaries

would have to show some substantial support.

Senator Baker. Two questions. One, the matching grant only in the primaries and not the general election.

Mr. Bernhard. I think that is right.

Senator Baker. Is that a legalism to avoid the constitutional question?

Mr. Bernhard. No.

Senator Baker. Or a statement of policy?

Mr. Bernhard. No, a statement of policy. I am not sure there is a constitutional problem there. I presume you are talking about the right to free exercise of your convictions. I am concerned really, about the thought that people ought to try to generate some support in the primary to show they are viable candidates and maybe the ability to raise

some money as an indication there is a passion toward a particular candidate, although I would not do it on a dollar-for-dollar basis. I think I would do it on a different basis three, four, five to one. I would put limitations on what any individual could contribute privately even in the primaries. But I would go from there, I believe, that once you had selected candidates in the conventions of the respective parties, I think I would go at this point at least at present with full Federal financing.

Senator Baker. All right. That is, I think, as far as I would care to go. I would throw out two or three other thoughts and not even ask you to respond, but just so you have them in your mind, in case you want to speak of them at another time or we have a chance to discuss

it another time.

I think we ought to give some thought to electoral as well as campaign reform. I think we ought to give some thought to democratizing the party system. And what occurs to me is the election of delegates to conventions by popular vote. I think as you say, the primary system should be rationalized. Your friend and my friend, Senator Muskie, remarked, and I am sure he will not think it a violation of confidence, during the primary campaigns of 1972, he said, "You know, we have to find a way out of this business of having an election every Saturday," and it is true. It grinds up good men. I think that there are a number of other things we have to do but, as you say, we are not omniscient and we just have to do the best we can with it. And I thank you for your thoughts.

Mr. Bernhard. Thank you.

Senator Ervin. I have misgivings about public financing of campaigns. In the first place, I do not know how you are going to decide who is going to get the campaign funds from the public. I cannot figure it on any fair, rational basis by which you can determine which of the candidates should receive public financing, because we have a lot of people running for office. We used to have one in my State every 2 years who would file for either U.S. Senate or Governor and got his name printed on 3 or 4 million ballots and after he filed, that is all he did, and somebody asked him why he filed every 2 years for major office, he said, "Because I raise and sell pigs and I cannot get—I can file for a very small amount of money, I get more advertising for my pigs with that amount of money than any other way."

And he said, "People asked who was that fool running for Governor or U.S. Senator," and he said, "They get curious and they come to see what kind of a fellow I am and look at my pigs and buy some

of my pigs." [Laughter.]

Should a fellow like that get public financing, since he is willing to spend his money like that for advertising purposes. I cannot find any rational criteria by which we can determine who should be the recipient of Government financing and who is to make that determination.

Mr. Bernhard. Mr. Chairman, that has been the hard problem, I guess, all along. It was the problem in Senator Long's original bill that he tried to meet. What do you do, for example, for a third-party candidate, what kind of formula? And he did recommend a specific formula and tried to do that.

Senator Ervin. But the third party would get his funding after he lost the race, instead of in advance, and wouldn't be able to get it. Frankly, I think the political parties and candidates have failed to work the field that is open to them on the provision of the Internal Revenue Code, which allows each person to make a contribution of \$50 to the candidate or party of his choice, and to take a \$25 tax credit against his taxes or a \$50 deduction from his gross income, whichever is the most advantageous to him, and I think that, by the use of that statute, that major parties and major candidates could finance their campaigns.

Mr. Bernhard. Well, maybe, Mr. Chairman, I just know that at least—you are right, the past year has not been exemplary in terms of returns based on either tax checkoff or the deduction. People just haven't really responded. It may have been because of the physical location or the newness of it but it hasn't been enough, and I gather

it has been rather dismal.

Senator Ervin. I don't believe they worked the field very well. Because they go after the big contributors.

Mr. Bernhard. Sure.

Senator Ervin. Because they get more in. We had a very great man in North Carolina named Judge—a member of our State supreme court-Willis J. Brogden, in Durham, and had a strong desire along about 1930 to run for the U.S. Senate. Well, he didn't enter the race and I thought he would have won it easily. I saw him a short time thereafter and told him, I said, "Judge, if you had just entered the race, you would have been nominated for the Senate.

He said, "Well, I am used to people having a mortgage on their property but I wasn't able to finance a campaign and I am not used

to people having a mortgage on me."

And I think that deters a lot of men from entering politics, and the private financing—the trouble with it is so many people make contributions that they think they are paying in advance for favors they are going to receive from their party if it wins. And I think we have hardly scratched the surface on this question of financing, because I have often thought any industry or any individual that is in trouble with the Government Agency—it ought to be a crime for him to make a contribution and it ought to be a crime for anybody to solicit a contribution from him or accept it, and I have thought the same thing about the pressure that is brought on industries to make contributions to the Government, when they are largely dependent upon the activities of Government for their prosperity.

That is a species of moral coercion to make campaign contributions

and I think some of the questions Senator Baker asked you, and

some I suggest, are calling on you to unscrew the inscrutable.

Mr. Bernhard. That is how I felt.

Senator Ervin. Now, I will agree with you in your appraisal, you say that you cannot—you are unable to—find any yardstick by which you can measure to your own satisfaction, the result of some of the efforts of sabotage of campaigns and some of the so-called dirty tricks; how much effect they had in the number of votes that were influenced by them. But can you tell me what effect you think campaign tactics in the 1972 Presidential election had on the confidence of the American people in their Government?

Mr. Bernhard. Mr. Chairman, I think that 1972 was a disaster. I think that the respect which now exists for public elected officials is at a nadir. I think people don't care about voting. Even before the disclosures that have taken place here, my recollection was that some 62 million people didn't vote in 1972. People are turning away from Government. Before we were worried about whether the bureaucracy was responsive to Government's needs, whether we were being overwhelmed by big government and too much concentration in Washington, D.C. and so on, now it is much broader than that.

Now, it goes right to whether you are going to trust a single person you elect to office. "Am I going to believe a single word that you say to me? Am I going to believe any advertising that is put out by you?

Am I going to believe you are serving my interests at all?"

I think it is engulfing the country right now and that is why I frankly believe that what this committee does is much more vital than even you may think, because people are going to be looking here and saying, "Is this committee going to recommend the kind of reforms, based on all that it has heard, that will make a difference. to restore some credibility?" I don't say that in any trite way, I mean real credibility.

Who are you going to believe any more? That is the real problem, and if it doesn't come from this committee, I don't know where it is

coming from.

Mr. Chairman, let me, as I was trying to get this ready, I ran across something which I would just like to read to you and I really believe it is applicable to the committee. It was an epitaph which was found on a church near London and it said, "In the year 1653 when all things sacred in the kingdom were either profaned or demolished, this church was built by Sir Richard Shirlye, baronet, whose singular place it was to do the best things in the worst of times."

And I think that is what the country is looking for to this committee

right now.

Senator Ervin. Now, we have uncontradicted evidence here that Mr. Segretti was employed by Mr. Dwight L. Chapin, appointment secretary in the White House, that he was paid by Mr. Kalmbach, out of money which American citizens had contributed to advance the political fortunes of the President, and we have had evidence here and it is admitted, uncontradicted, that in the Florida primary that Mr. Segretti, in effect, had scurrilous charges, what I call forged, on a facsimile of the letterhead of Senator Muskie, and circulated scurrilous charges against Senator Humphrey and Senator Jackson, which are too foul for me to repeat here, and then, when we had the Department of Justice or the FBI investigating this matter, the Department of Justice reputedly, according to the press, stopped the investigation on the ground that sabotage operations of this character were not against the law.

Now, what effect do you think that had in confidence of the people

in the Department of Justice?

Mr. Bernhard. I would think that they would have the sense that the charge given to them to carry out justice was being undermined, that if there was no desire to try to bring to the bar the people who were engaged in essentially felonious conduct, where was the even hand of justice? And had not the Department and the FBI become, instead of an independent judicial arm, a political arm of the administration in power? I think to me one of the things that has been the most trouble-some in the last year or year and a half is this fear of the politication of

the Department of Justice and other agencies which have other charges

and other commitments that are being misused.

Senator Ervin. I have been informed by Senator Jackson that when these charges were made, I think about October in 1972, he called it to the attention of the office of the U.S. district attorney in Florida, called it to the attention of the Department of Justice, and notwithstanding those facts, said no indictment was returned in connection with the matters until about the last of April of this year.

Don't you think that when crimes are committed which go toward—attack the very integrity of the electoral process, that justice ought to

be swift, instead of treading on leaden feet like that?

Mr. Bernhard. Of course, Mr. Chairman, and if it is not, where is

the integrity of the law and why should people respect it.

You talk about the need for law and order. That means law and order for everybody, and it means an awareness of law and order, of transgressions of the law on the part of anybody and I think it may be trite, the old talk of justice delayed is justice denied, there is just no law at all.

Senator Ervin. I am not concerned in this hearing about how many votes were influenced by these tactics, but as an American, I am greatly concerned about the effect these tactics have had, not only on the integrity of the electoral process, it may not involve that too much instead of the integrity, not the quantitative vote on America but what it has done to the confidence of the American people, I think that is tragic.

Mr. Bernhard. I agree with you.

Senator Ervin. Because we have got the greatest country on earth, we have got the greatest system of government on earth. And it is not the defects in the system so much as it is the defects of some human beings who are entrusted with political powers that have brought us to this very tragic hour.

I want to commend your statement. I think it was a fairly restrained statement and I think it made a very significant contribution to the

investigations this committee has been attempting to carry on.

Mr. Bernhard. I appreciate it very much.

Mr. Lenzner. Mr. Chairman, before Mr. Bernhard leaves, I would like, if I may, have his documents marked as exhibits in evidence and be submitted to the committee, and also the two exhibits that he has identified this afternoon.

Mr. Chairman, may that be done?

Senator Ervin. Yes, without objection, they will be accepted in evi-

dence and marked appropriately as exhibits.

[The documents submitted by Mr. Bernhard were marked exhibits Nos. 244–1 through 244–31\*. The so-called Ficker letter was previously entered as exhibit No. 197 in Book 10, p. 4266, and the memorandum from Jeb Magruder to the Attorney General was marked exhibit No. 245.\*\*]

Mr. Lenzner. I also want to thank Mr. Bernhard in behalf of the committee, and join with Senator Baker and Senator Ervin. I think your testimony has been some of the most significant testimony received. I am sorry that it did not receive wider coverage than it has.

<sup>\*</sup>For page numbers that exhibits Nos. 244-1 through 244-31 appear on, see contents pages.

\*\*Exhibit No. 245 appears on p. 4889.

I hope the significance and the importance of it is grasped by this country.

Thank you very much.

Senator Ervin. I think you had some other questions, Mr. Madigan. Mr. Madigan. I do not think I have any other questions, Mr. Chairman.

Senator Ervin. There is just one other thing about financing this election. The Senate bill carried some limitations on the amount of cash to be received as contributions on this, first, as expenditures for political purposes. Do you not think there should be some substantial limitation on the use of cash in political campaigns?

Mr. Bernhard. I absolutely do.

Senator Baker. Mr. Chairman, I might say that I noted with interest that the witness indicated that they kept a small amount of cash in the safe for petty cash purposes and other purposes. I cannot resist being reminded of Howard Preston, who was a great banker in Tennessee. He came from a small town in middle Tennessee called Woodbury. And he said one day, that when he left home to make his way in the world, his mother said, "Son, you oughter start a business of your own and be the boss or go with a large company and get in charge of petty cash."

Mr. Bernhard. We may do just the opposite.

Thank you very much, Mr. Chairman. Senator Ervin. Thank you, Mr. Bernhard.

The committee will stand in recess until 10 o'clock in the morning. [Whereupon, at 3:35 p.m., the hearing was recessed, to reconvene at 10 a.m., Thursday, November 1, 1973.]

## EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT No. 227

[From the Washington Star, Sept. 27, 1971]

(By Morris Siegel)

On the other hand. Hubert H. Humphrey, who, incidentally didn't make it working with Bob Short either, apparently doesn't miss anything that went with being No. 2 except his chauffeur-driven car, if he misses that. . . . He cabbed it over to a luncheon with editors the other day and once the hack driver discovered who his distinguished passenger was he wouldn't accept any money for the fare. . . "No way, Senator, I'm gonna take any money from you. You ought to be President," he said proudly when Humphrey offered him money. . . On the return trip to Capitol Hill, Humphrey got into another cab and it was the same story all over again. . . Now if somebody will come along and offer Humphrey an airplane ride in a reasonable facsimile of Air Force One he might not even miss being President.

(4697)

## EXHIBIT No. 228

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#### Ехнівіт №. 230

In 1966, I was attending Murray when I became involved in my first out of state campaign. A young progressive lawyer was running for the US Senate in Tennessee. I took frequent trips down across the border to help work as a volunteer in the Howard Baker Jr. campaign. I helped stuff envelopes and make house to house canvasses in Nashville and Hazel, Tennessee. These house to house canvasses were a new tactic to me. The deep south person to person low key type of campaign was somewhat different to the big city mass media campaigns I had gone through in 1964 in Louisville. The Baker campaign in 1966 was successful and to the day the impression of hand to hand, mouth to mouth tactic sticks out in my mind as one of the most effective.

1967 was the year of the big Republican primary in Kentucky. Two distinctly opposite men filed for the governorships in the 67 primary. One was a big city political boss that was used to dictating policy. This candidate was Marlow Cook. The other candidate was a country lawyer used to the "small town" folksy manner of campaigning. This candidate was Louie Nunn. Again my father was also a candidate. He filed for Clerk of the Court of Appeals. When my father first filed for the office he received a hands-off attitude from the County Judge Cook. When it became evident that the two major candidates were going to slate candidates for the major state offices Cook came to my father and told him to withdraw from the clerks race. When my father refused Mr. Cook ordered him fired. This inside look at political pressure showed me that politics is very educational but very risky and uncertain.

It was during the '67 Governors race that I became most enthusiastically involved. I was attending Murray and was President of the Murray State Young Republicans Club. During the primary election I travelled all over the state and became familiar with all types of county, city, and statewide campaign organizations. The primary was the biggest and closest in state Republican history. Louie Nunn won the nomination and eventually the governorship.

The fall general election was the most active and educational I had ever been involved in. While traveling during the '67 campaign I met more people and ate more cold sandwiches than I thought existed. The election was when I learned about local organization. I was assisted by out of state experts. It was during the '67 election that I learned how to organize and assist complete strangers for political motive. I worked close with a man\* sent down to Kentucky from Washington DC to organize and train young college students. The most important thing I learned was how to be influential and unnoticed at the same time.

I worked in local and state elections regularly until 1972. The events that led up to this work were very strange to me. As I mentioned I first heard of this national job while I was working at Ford Motor Company. In Mid-February of 1972 I was called at work and asked to work for an unidentified national organization. A man whom I did not know, called me. He knew all about me and my political training and activities. The person asked me if I would meet him to discuss this job. I was suspicious to a certain extent so I told him the only meeting I would have would be in Louisville. According to my set-up plan. On February 26 I met a young man named Jason Rainer at the Executive Inn lobby in Louisville. At this meeting Jason explained to me that he worked for a group of individuals that were interested in politics and needed some young men to investigate different Democratic primary organizations and report on them. At this meeting very few details were discussed. The major outcome of this first meeting was that I would always work alone and that I would be able to use my own methods for the surveillance. Jason told me that I would start to work the 15th of March. When I questioned him about my job at Ford's he suggested I just take a leave of absence. I told him the only kind of leave I could get was an educational leave to attend school. He suggested that I take that and that his bosses could get me some college credits for the type of work I would be doing to explain the leave if needed. I arranged the leave from work and on March 16 I received a call from a young lady saying she was Jason's secretary and that he would wire me some expense money the 17th. On the 20th of March Jason called and told me he wanted me to go to Milwaukee, Wisconsin, the next day.

<sup>\*</sup>I later discovered that his name was Roger Stone. This was also confirmed later when F.B.I. agent named Simon told me in Louisville that Stone had testified before a federal grand jury in New York.

My instructions were to go to Milwaukee and work in the Ed Muskie campaign as a volunteer and report on the campaign organization and the people working in the campaign organization. I was in Milwaukee from March 21 to March 31.

My next assignment was in Philadelphia, Penna. I went to Philly on April phrey's headquarters. It was in Philly that I was most successful at infiltrating a headquarters. I was in a trusted position as one of the phone bank headquarters and gained the complete confidence of the organization staff. I was often introduced to staff members by other staff members as a very hard working dedicated worker.

My next trip took me to California. I left for California on April 30. I stayed until June 2. While in California I spent most of my time in Humphrey's head-

guarters but I did work in the McGovern headquarters on occasion.

On June 20 I was called to Washington to confer with one of the "bosses". I stayed in Washington until July 2. After my mysterious phone call with the big "boss" I spent the rest of my time working around the McGovern National head-quarters. I came back to Louisville and packed to go to Florida on an assignment. I went to Florida on July 5 and stayed until July 13. While in Florida.

worked in McGovern's Headquarters at the Doral Hotel.

When I returned to Louisville I went on a short trip to the lake. On the 15th of July, Jason called me and told me that the operation I worked in was being dissolved. I had been expecting such a call since the news broke about the connection between the Reelect the President Committee and one of the men caught in the break-in of the Democrat National headquarters. During my tenure with the unidentified organization I noticed a concern for lawful tactics and I was often encouraged to be very careful that I did nothing illegal.

## Ехнівіт №. 231

March 21.—Arrived in Milwaukee at 5:20 PM Tuesday 21 March 1972. Checked into Pfister Hotel room 208, cleaned up and ate supper. Drove around in taxi and checked out McGovern, Jackson, McCarthy and Muskie headquarters for location and obtained some literature from each.

Went back to hotel and retired, 10:00 PM.

March 22.—Got up at 9:00 AM. Went directly to McGovern headquarters. Talked to Merle McDonald, Office Coordinator. Obtained list of McGovern office workers. Went to airport with campaign workers for McGovern press conference and arrival. Went over to Marquette University and met John Michaels, chairman of Muskie activities. We went over to main headquarters on 710 Plankinton street. John mimeographed Muskie vs McGovern debate on campus. Rented a car for transportation from Avis. Messed around in headquarters all evening talking and questioning workers in Muskie office.

Wallace arrived in town for big rally.

Went to bed at 12:30 PM.

March 23.—Got up at 8:30 AM. Dressed and went to McGovern Press conference in Pfister Hotel. Demonstrators outside for anti-abortion cause created small problem. Went by Muskie headquarters and nosed around and got some press releases. Spent some time over at Marquette. McGovern people were taking down Muskie signs.

Went back to Pfister and moved to Holiday Inn Central. Went back to Muskie headquarters and got schedule of people and places for Muskie Organizations,

a list of campaign issues that the organizers are categorically listed.

Talked to Jason at 7:15 PM. Went back to headquarters and helped with mailing. Went over to Marquette at 8:00 PM for debate between McGovern and Muskie representatives. Planned question among students kept either side from gaining any advantage.

Headquarters is so confusing you can tell someone to do something and

they do it without questioning if its helpful or harmful. Went to bed at 3:00 AM. March 24.—Got up at 8:00 AM. Went to headquarters and obtained a list of volunteer workers. Went out to Negro area and talked to some young colored boys. They were collecting literature Muskie people had distributed in the neighborhood and throwing it away. Muskie wanted his speakers to speak at all high schools in Milwaukee. This project has been scrapped due to protest. Went to Muskie headquarters and obtained list of all Democrat Ward Officers in Milwaukee County. Talked to Jackson people and went to McGovern headquarters. Tom Southwick, the youth coordinator for McGovern, is lining up some marches for Sunday. Talked to Jason at 2:30 AM. Went to bed at 4:30 AM.

March 25.—Got up at 9:00 AM. Went to McGovern headquarters, talked to Southwick about Sunday TV interview with Muskie that Southwick planned to disrupt. Came back to Holiday Inn to rest for tonight and type this report. Went to Muskie headquarters obtained maps of all precincts and wards in Milwaukee county. The maps show precincts, wards and districts in detail. It also has smaller maps that show where all polling places are located. Went back to McGovern headquarters and watched McGovern people making signs for Sunday like "America needs a leader not a cry baby." The McGovern people are very enthused about marches against Muskie.

After supper I went back to Muskie headquarters and obtained the latest scheduling sheet. The schedule calls for Muskie to meet and speak to people at the American Legion Hall at Stevens Point on Tuesday, 28th of March

at 3:50 PM. West back to room and rested.

March 27.—Up at 8 AM. Went down to cafeteria and talked with Muskie press people. They did not seem too impressed with the rally at Pfister last night. Only about %rds of the people there had bought tickets, the rest were free-loaders. Muskie seems to have plenty of money now but his supply must not be being replaced. Evidently he is not receiving any big contributions since Florida primary. His people are becoming very nervous about the Wisconsin primary. It seems like this primary, April 4, could really hurt Muskie money wise. Their press people are trying to take the significance of the Wisconsin primary away. Went to UWM to hear Muskie speak. His little speech was a disaster. Protesters started in on him as soon as he stood up to talk. They had the whole crowd shouting and hollering at him in about 5 minutes. The Amnesty questions just totally ruined Muskie's whole program. He left UWM very, very angry and the crowd noticed it.

Went down to headquarters and obtained a schedule of Jane Muskie's appearances. The list of events goes all the way until primary day. Nosed around head-

quarters and listened.

March 28.—Went down to Muskie headquarters and helped phone people. I just can't seem to find any Muskie support with these damn Yankees. Obtained a list of ward chairmen for Muskie. Muskie does not have a chairman in each ward.

Took 4 people out to AO Smith Company to pass out leaflets. It was cold, so I

talked them into drinking beer instead of passing out leaflets.

March 29.—Went to Muskie headquarters and obtained a revised schedule of Muskie events. Stayed at headquarters all afternoon. Went over the Lincoln Avenue headquarters and removed listing of people that were to be contacted Sunday, April 2nd.

Returned to hotel to phone Jason. He asked about racial issue.

March 30.—Went directly to south side headquarters to see if I could get a list of Negro workers. No such list was available. Went over to Humphrey headquarters and gave them Muskie's schedule. Left for McGovern's headquarters talked with Tom Southwick, youth organizer, and helped him organize a south side canvas, door to door.

Left and went back to Muskie headquarters. A last minute mailing was being prepared and I was in charge of volunteers sorting mail. When I left at 7 PM, the

mailing was about a third done.

The planned street campaigning by Muskie was called off due to bad weather and a crowded schedule. Muskie is planning to go into private hotel rooms for

most of holiday weekend.

March 31.—Watched Muskie on morning show. He looks and acts very tired. Went down to headquarters and diverted some election day precinct materials. Looked around for any last minute changes in schedule. The weekend calls for church services and no public appearances for campaigning.

Went over to McGovern headquarters [copy illegible] minute neighborhood canvas. Went back to hotel and packed my bags, Left Milwaukee on a 7:10 flight

for Chicago and Louisville.

### Ехнівіт №. 232

#### MUSKIE ORGANIZATION, WISCONSIN PRIMARY

Ed Muskie's campaign organization in Milwaukee, Wisconsin, was a very loose-knit group. There was no central leader of the workers in the headquarters. A group of about five people from the Washington DC campaign headquarters were in Wisconsin to direct the campaign on the administrative level. Often the leaders of the organization would hamper the campaign by giving conflicting instructions to the workers. The major problem seemed to be that all of these leaders were competing with each other and not concentrating on a unified victory effort.

The Strength of Muskie's Wisconsin Campaign probably came from the working men that was tired of the old line Democrat party but yet not radically conservative enough to move into the Wallace cage. Many college people were working at the Muskie Headquarters. Yet Muskie drew only token support from college students. Muskie did not seem to go over big with either the old or black groups. Muskie's lack of personality and his lack of a firm stand on basic issues probably

hurt his campaign strength more than any other thing.

The amount of money spent in Wisconsin by Ed Muskie's organization was tremendous. Muskie seemed to have all the money he needed to run an effective campaign. Money was available to mail large quantities of letters and pamphlets to the voters. The Milwaukee headquarters was complete with phones, news recorders, phone-a-message machines, mimeograph machines, Zerox and all the modern headquarter equipment. A phone bank was located on the 14th floor. Many phones were available for calling or canvassing voters. The 3rd floor was almost entirely occupied by Muskie people. The headquarters was located in the heart of the city of Milwaukee and it was set up on top notch form. Muskie also had district and statewide headquarters in all major cities. At any headquarters a voter could obtain: campaign buttons, pamphlets, bumper stickers, posters or printed material, or anything else the voter desired. Muskie workers were not concerned about the amounts of campaign material that an individual wanted.

It should be noted that although Muskie was conducting the best financed campaign, up until the Wisconsin primary, the campaign contributions coming into Muskie headquarters seemed to be in critical shape as the campaign continued. Muskie was spending approximately 100 times more money than what was coming into the campaign fund. It was my conclusion from what I saw and heard that Muskie was rapidly using up all the money that had been contributed to his campaign. Most of which was collected before the Florida primary.

Muskie's campaign was operated by a very large group of workers that were following the campaign from state to state. Many of the people operating the headquarters were on the paid national staff. Volunteer workers were plentiful at the beginning of the campaign, but toward the end of March, people began to drop out of the volunteer program. Part of this decline can be attributed to the fact that the campaign was a long one and many novice workers became bored with the routine of campaign practices.

Muskie's press organization was very weak. The people working in his press room were inexperienced and lazy. No advantage was taken of Muskie's strong points in regards to news coverage and opportunities. No successful effort was made to play down the Wisconsin primary results when it became evident that Muskie would not do well in Wisconsin. The press campaign staff was probably

one of the reasons Muskie can not regain the winners image.

Security in Muskie's headquarters was also very weak. No one I talked to had any sense of security or secrecy. It was easy to walk anywhere in the headquarters or to read materials in the headquarters. The security at Muskie's hotel was no better. The Secret Service agents were good but not protective. It is annoying to me how easy it would be to assassinate Muskie or his wife. In fact one time, Jane Muskie and I rode up 5 stories in the elevator with only one other person, a presswoman. On several occasions, Muskie would walk out of his room or across the hall alone. Security would definitely have to be tightened around Muskie and his headquarters if he would become the nominee.

The planning of Muskie's campaign was not very good and its effectiveness was even worse. The conflict between his own top organizers and their lack of ability to properly instruct the campaign workers greatly hampered Muskie's organization. The campaign in Wisconsin was not very effective because people were not well organized behind either the candidate or his stand on the issues. The lack of a strong stand on the issues by Muskie and the lack of a central campaign co-

ordinator are the two main reasons that I believe Muskie's bid in the Wisconsin primary will fall short of even being a respectable showing.

# Wisconsin predictions, March 31, 1972

	Percent
McGovern	_ 30
Wallace	_ 20
Humphrey	_ 18
Muskie	. 10
Jackson	_ 8
Lindsay	_ 8
Chisholm	. 0
Mills	. 6
Hartke	_ 0
Total	_ 100

#### Ехнівіт №. 233

April 10.—I arrived at Philadelphia at 10 AM. Went downtown to Humphrey Headquarters in the Adelphia Hotel, on the 7th floor. Signed up as a volunteer worker with Gertrude Atcovity. Worked around headquarters and listened all afternoon. Left the downtown headquarters and went to 59th Street headquarters. I nosed around and looked for documents. Campaign literature is scarce at headquarters on 59th street and downtown.

I went back to town and got a car from Hertz.

April 11.—Went down to Humphrey headquarters at the Adelphia. Got schedule of Humphrey's appearances for April 10–17. I worked about 2 hours and then left.

Went to 59th street headquarters. Not much going on so I looked around for

important documents. Nothing much out in office so I went back downtown.

Found a list of Humphrey County Chairman at downtown headquarters. Helped address letters to delegates from 1968 convention. Went back to hotel for supper.

Went over to 1719 Chestnut to phone bank headquarters. Gertrude Atcovity met me over there and explain the operation to me. She wants me to help supervise the office. The people are taking cards with phone numbers from across index for each block. They call the names on the block until they get a volunteer worker or block captain for each street. They have about 20 callers working for \$1.65 per hour. There are 2 shifts, one from 9-5 and one from 5-9 and with 20 callers working. While I was there, Gertrude put me checking the cards that had been called. I promptly put people on calling and duplicating cards that had been done by the day shift. The phone set up is quite elaborate. Humphrey is spending ½ of his budget on the phone bank and literature packets that the block captains will distribute.

April 12.—Went over to headquarters at Adelphia Hotel and messed around until lunch time and went to airport with John Dooley. We had lunch and I pumped him for information about the locked rooms at headquarters. Press and

scheduling materials are in the rooms according to John.

I went over to phone bank and reviewed cards. I rearranged the cards again so that night shift would re-call a lot of day shift's cards.

Spent most of evening trying to find some important papers lying around headquarters at Adelphia hotel. Not much is left out so I guess next week I will try to buy my way into locked rooms. I will spend rest of this week on phone bank and

block captain programs.

April 13.—Went over to headquarters and looked around. People at headquarters were not too cheerful. The trip by Humphrey to steel mills and plants is not going too well. The union rank and file do not seem too impressed with Humphrey this year. Muskie has the support of the local Democrat organization, but the Democrat Mayor Rizzo has practically endorsed Nixon. Rizzo beat the machine here and has a lot of pull among local workers. Ex-mayor Tate is supporting Humphrey but his people are all old and belief in all the old time practices. Humphrey must not have the money everyone believes he has because they sure make a big deal if someone spends any money.

After supper I went to phone bank to supervise. The goal of the phone bank was 6,000 captains. We have just over 2,000 now with April 17th as cut off day. I doubt if they will get 4,000. I helped with addressing the packets we did about 1,000, but I didn't tell people to put zip codes on so now they all must be rechecked by day shift. Zip codes are necessary for bulk rate mail. The people making calls were cut in half so I could have half the people to address packets.

The sample ballots will be in tomorrow.

After we closed down the phone bank at 9:30, I went over to Adelphia Hotel where I met ex-mayor Jim Tate. He is so thankful I am helping at the phone bank. He invited me to a big party election night. He told me that they were depending on me to get the sample ballots distributed to block captains.

April 14.—Went to phone bank early. Addressing of packets is still messed up and so are the phone cards. Repetition of calls is starting to aggravate the volunteer block captains. The captains are getting called 2 or 3 times and it is beginning to bother them. Some captains have already quit because of the repeated calls. Went to Adelphia to check for a revised Humphrey schedule.

Muskie people were notified of Humphreys schedule until Monday by me. I

will call Muskie people Monday and give them the revised schedule.

I went back to phone bank and started putting sample ballots in envelopes. There are about 45 divisions in each ward and about 66 wards in Phiadelphia. There are 2 different types of voting machines used in Philadelphia.

April 15.—Went over to Adelphia and talked to workers about campaign. Humphrey people are not too confident in Philadelphia but they feel good about Pennsylvania. Most workers feel Muskie is out of race because of Massachusetts, and Penn. primary not looking good for Muskie. Humphreys people feel that they will win easy in California.

April 16.—Went to Adelphia headquarters got new schedule for Humphrey cam-

paign up to April 25th.

Came back to room and called Muskie headquarters and gave them Humphreys' schedule. Went over to phone bank and finished up sample ballot for all [copy illegible]. About 500 of sample ballots being mailed will be wrong took Mim Polin to supper. He is a Humphrey delegate in the 4th ward. He told me he would write me a letter of recommendation to California headquarters. I worked at phone bank until 9 and then went to Adelphia and nosed around. The big discussion of the evening was about money. Everyone is complaining because none is being alloted for Penn. primary.

April 18.—Went to phone bank and worked with Polin in hiring of more people for phone bank that will be put into operation Wednesday. I really lined up some winners. The new phone bank operation is to call people to get out and vote. One

group will call negroes, the other group will call union members.

Polin again mentioned me as supervisor. I turned down pay. I don't want to file

taxes for working for Humphrey.

I wrapped up the sample ballot operation tonight. I went by Adelphia and action has begin to pick up. Everyone is rushing around and trying to do three things at once. There is a definite lack of campaign material around headquarters. I have not seen any bumper stickers or buttons at all in headquarters here. This could be an indication of how tight the Humphrey budget is being kept. One advanceman for Humphrey told me he gets \$30.00 a day to live on which isn't money for an advance man to operate on.

April 19.—Went to phone bank and check on my workers they were waiting for me at the door. I got them to separate the union and negro cards into uneven rationed stacks. The 60 people lined up yesterday did not show up for work only 24 came in today. The cards were so placed that anyone calling them could not distinguish between a negro call sheet or a union call sheet. The call sheet is the

speech read to the person called.

Went to Adelphia after lunch and helped out with more mailings. About 6,000 letters were sent to the post office with no stamps on them. Went back to the phone bank at 6:30 and checked my people out. The night shift did not do any better on personnel than the day shift. Only about 30 people showed for work. Humphrey headquarters is upset and the whole mess is snowballing great.

April 20.—Went to phone bank. Humphrey came by and thanked all the people this morning. Not enough people there to make calls so we worked on mailing. The election day handouts were being mailed out. We only put about 20 pieces in each envelope and used 40 cent stamps. This cost Humphrey a lot of money since the

letters were mailed to block captains and not to precinct captains.

After lunch Sam Parelman, National Coordinator from Washington came by and talked to me about working in California. Parelman called Joe Carrell the LA chairman for me and told him I would work in LA headquarters. Mike Polin sent LA headquarters a big letter introducing me to them as "an advert Humphrey supporter that could be trusted in any project." I guess I can infiltrate LA headquarters now that all my recommendations have been turned into the LA chairman.

We put some list on phone tables that had already been called so that repeat

calls will be made tonight.

Went to Adelphia Hotel and checked up on last minute moves. Humphrey is relying heavily on the labor vote. 4 or 5 labor leaders were at headquarters calling all over the state to get out labor vote. Humphrey feels that the labor people are behind him but I think the labor leaders might be but the rank and file members are for McGovern and Muskie and Wallace in large numbers.

Went back to phone bank and met my workers. I put them on the Negro phone calls and had them recall people already called and give them the bit about labor being for Humphrey. I checked out every table in the phone bank and made sure everyone was recalling people that had already been called. I put the not called cards in the back office with the unmailed sample ballots. Phoning will not be too successful because over ½ of the original names are scrambled and the other ½ is missing. The mailing today was successful. The block captains will receive the mailing Monday that should go to the ward leaders.

Went back to the Adelphia and nosed around. Everyone is busy trying to catch up on work that was put off until last minute. All the big wheels in Humphreys campaign are coming into Philly from Mass. The consensus is that McGovern will win in Mass., so Humphrey must do well in Pa. A lot of the Humphrey people are going to Michigan after Pa, primary. Humphrey figures he will get a strong challenge from Wallace in Mich.

April 21.—Went to Adelphia Hotel and listened. Humphrey is coming back to town tonight and will be in meetings with labor people again. If Humphrey does not get the labor vote he will be in real trouble in Penn. Gertrude ask me to come over to the hotel tomorrow and get 10 people started separating election

day material to be handed out at polls.

Had to leave Holiday Inn today and I am not sure where I will stay. Some of

the workers are staying in Adelphia and I might chip in with them.

April 22.—Went to phone bank and wrapped up the election day material mailing. Went Adelphia and worked with two Humphrey men on last minute phone calls. I called people and urged support for Jackson. The Humphrey people are depending on the labor and Negro vote but Negro vote will probably be light because Humphreys people are not impressing the Negroes with the old time campaign tactics. The Negroes are tired of promises and want a man of action. Many of them feel Humphrey had his chance and did not produce any results. The Negro vote in North Philly is lining up behind Muskie and McGovern.

The election day material (poster, buttons, etc.) has not arrived at head-quarters and Joe McLaughlin is trying to locate it with no success.

The phone bank workers were supposed to help tomorrow and Monday at Adelphia but I told them we would not need them because the phone bank is closed today. When I got back to Adelphia the man I was staying with told me he is going to Michigan Sunday. I have not heard from Jason so I will go back to Louisville Monday.

#### EXHIBIT No. 234

Philadelphia is a large city with a varied voting population. Philly is not growing as rapidly as many other US cities, but its political organizations are growing, often to the dismay of the machine.

In Philly there were four different machines working. The first was a desperation operation. The Muskie Machine. For Muskie, Pennsylvania became the last chance for a fading Presidential campaign. Muskies headquarters was loosely organized as has become the trademark of the Muskie campaign. Again there were too many chiefs and not enough indians. The regular Democrat organization backed Muskie but the mayor or head of that group, Mayor Rizzo, was backing Nixon. So from the very beginning Muskie was doomed in Pennsylvania.

The Wallace machine was made up of middle class working people who believed in Wallace. Most of Wallace's people were dedicated and hard working. Wallace shared the same money problem that began to plague Muskie—the lack of it. Wallace did well in Wisconsin because his people were dedicated and hard

core Wallace followers who could not be discouraged.

The McGovern people in Philly were characteristic of his campaign. Mostly young, mostly radical. His followers worked night and day and never gave up the fight. When McGovern decided to concentrate on the Massachusetts primary and give Pennsylvania to the taker, he hurt his campaign worse than he realized. If he had not given up his workers would have delivered even more delegates to his cause. This Pennsylvania decision could cost McGovern the nomination if

fewer than 1,000 delegates are needed to win the nomination in July.

The Humphrey headquarters was a study in the old time machine politics. The leader in Philly was ex-mayor and machine boss Mayor Tate. All the big labor and old machine cronies were allied behind the old warrior Humphrey. Very few young people were involved in Humphreys headquarters. I infiltrated Humphreys headquarters by complimenting the elderly office manager Gertrude Adcovitz into believeing I was a dedicated Humphrey supporter. Once I gained her confidence by working like hell on menial projects, I was home free. It has continued to amaze me how far you can go inside a headquarters by just walking in off the street. Gertrude told me one night while we were working late on our separate goals that "once in every campaign a great worker walks in off the street that really helps in the campaign." I often wonder how many great workers were also serving a dual role.

After two days at Philly I had complete run of the headquarters. I could look into files and read anything in the headquarters. Just being around for two days seemed to serve as my credentials. I was assigned to a phone bank set up that was to supply 5,000 block captains to work for Humphrey. I worked close with a candidate for alternate delegate Mike Polin. He was very gullible and easy to fool. He supplied me with all types of information and served as a

cover up for most of my investigation.

While I was in Philly, I also infiltrated the national Humphrey movement. Sam Parelman from Washington Headquarters came in one day and we talked. I mentioned going to Los Angeles and right away he supplied me with names and phone numbers for when I got to California. Everyone in Humphrey's headquarters was more than helpful. I was offered a job in headquarters for pay but I had to turn it down because of taxes. Humphrey strategy in Philly was to mobilize the black and labor vote to defeat any rival. Most top labor leaders came out strong for Humphrey but there was wide spread dissention among the rank and file union workers. McGovern picked up a lot of steam in Philly with the black people. This support for McGovern was a direct result of grass roots operation by the McGovern people. It seemed that the Philly blacks were tired of promises and would look to a new leader for black rights. Humphrey was doing well in Philly until he realized his money was running out. Everyone said Humphrey had plenty of cash but that he planned to save it for California—the big one. It was only the week before the election that Humphrey people realized that they needed to spend more money or take a chance on losing Penna. Humphrey feared a big rural vote but prayed for a large city vote to carry him over the top in Penna. Well election day he could not get the labor or black vote out in large numbers and those that did vote were not an Pro-Humphrey as Humphrey hoped. The vote in Penna. did manage to force Muskie out of active primary races. The real surprise to Humphrey people came after Muskie withdrew from the primaries. The Muskie people did not come over to the Humphrey staff in force. many people that had supported Muskie early in the campaign went to the McGovern headquarters to work for the new face. Something I noticed in Philly that I think will effect Humphrey negatively in California is the new attacks on McGovern. Humphrey is doing what he said he could never do: Attack a personality, McGovern, instead of fighting Nixon. Humphrey also is ignoring the new youth, 18–25 year old voters are not being sought by the Humphrey people as strenuously as the youth is being sought by McGovern's people. A combination of the youthful people, the unequalled dedication of office and street workers, along with the new coalition of blacks and labor voters will cause one of the Nation's strangest happenings in history. In Philly McGovern stated what I believe will be his new movement, he will try to broaden his base of support and modify and tighten his policy so that it will not seem too radical for the American people to accept. McGovern has started his big move in Philly, but I think it will end like the Goldwater grass root movement in 1964. If you have to make too many radical statements in order to gain attention of the nation, you cannot expect the facts of same statements to disappear once you get the attention the statements are designed to obtain.

#### EXHIBIT No. 235

California is a result of all that has happened in the national scene this year. Muskie was burned out and did not campaign. His organization went to all other candidates but not in an organized manner that would help any individual candidate.

Wallace had been shot but was not an official registered candidate. His workers were the stereotyped Wallace people, dedicated, spirited and sure that theirs was the "true cause." Although his name was not on voting machines a very good write-in effort was made that gave Wallace a good showing in a liberal state where his name did not appear and where write-in voting is complicated.

Mayor Yorty of LA was an active candidate with little money and a lot of lip for the two major candidates. His candidacy did little to hurt anyone except

Humphrey who needed more support in the LA democratic machine.

Jackson, Chisholm, Mink did little to sway the election and none of the minor candidates had much of an organization, However, Chisholm did manage to scare Humphrey into spending large sums of money in black neighborhoods. With Humphrey's fading hopes in California came the fear of the staff and contributors of money. Humphrey had just got a sound campaign plan started that could have brought victory in California when the money stopped coming into his treasury. As the money stopped, so stopped the momentum. The momentum problem also hit McGovern headquarters. The hard working door to door youths became lazy, playful fools the last couple of weeks before the primary. McGovern people became overconfident when they received public opinion polls that showed McGovern leading in California by large percentages. It should also be noted that part of the change in California results was due to the hard line fighter image Humphrey took in the last few weeks of the campaign. Humphrey angered many people with his personal attacks on McGovern. Most California democrats wanted to beat Nixon and not another democrat. The debates that were to save Humphrey turned out to show him as an old tired man who was trying everything to win. The last desperation efforts by Humphrey might have gave him personal satisfaction but to the public it made him seem even more radical than the man he was trying to beat.

The McGovern victory in California and his seemingly sure victory in New York put him way in front for the democrat nomination. Several things stick out in my mind as trends. One, McGovern workers are dedicated and hard working yet they lack the experience to do the right thing at the right time. McGovern will have a hard time uniting the Democratic Party because of his radical statements made to get attention. These statements publicly made will be hard to explain and even harder to deny in a November campaign that is sure to become bitter and hard fought on both sides. Without party unity McGovern's grass roots might never grow into a successful campaign. But besides all this, the most serious problem to face the Democrats will be the indebtedness of the Democratic Party. Throughout the campaign of the primaries, I have noticed it has been cash on the line for all the Democratic candidates or no deal with suppliers and service companies. The lack of credit may well cause McGovern the biggest problem in his quest for the Hill.

#### EXHIBIT No. 236

I went to it for ten days to try and infiltrate McGovern headquarters. I stayed at the committee hotel and the old man that ran the switchboard would listen to all my calls. On the second day at the hotel, I gave Jason the number of the pay phone in the lobby so he could call me without the old man listening. To infiltrate the headquarters I planned to offer my services as a volunteer but to insure a top level clearance, I called Jeff Smith, the office manager the first day I got to DC and set up an appointment for the second day. I went to Mc-Govern headquarters for my 10 AM appointment and announced myself. Jeff couldn't see me so I asked to wait. While I was waiting I drifted into the back area offices and started reading everything I could find. When the phones would ring I would answer them or listen in on other calls. Jerry Rubin called while I was there and several other people that were delegates. I can not help but believe that Rubin is in an alliance with McGovern people to disrupt the Republican convention. McGovern has several people lined up to say at hippie colony in Miami to restrain the demonstrators. I went back to McGovern Headquarters for several days carefully planning my visits when Jeff was out of the office. I would call headquarters and check on Jeff, If the person answering the phone would say Jeff was out or busy I would rush over and wait around the headquarters looking for papers and memos. While I was there I learned of McGovern's plan on restoring the California delegates the credentials committee took away from him. After the California discussion, McGovern's staff started developing a get tough policy for the convention. The Daley Chicago question was an example of the new policy. McGovern's staff refused to try for a compromise and they insisted on ousting Daley's faction-McGovern's manager-Gary Hart told me, "to hell with Daley, the old bastard doesn't control Illinois anymore anyway." Things really began to heat up after the platform committee accepted most of McGovern's planks. Humphrey people gained the last ditch effort by Jackson and Muskie to stop McGovern. The hope of the old democrat alliance worked as the California delegate split. The opinion around McGovern headquarters was that with the California delegation in tact McGovern was a cinch to win on the first ballot at Miami. McGovern staff felt that the nomination would be harder to get without the whole California delegation but that McGovern was going to be the Democrat nominee regardless. The stage was being set for a big fight in Miami. The press was also helping to stir up McGovern's staff and as each day went by the staff workers were becoming more and more angry at the anti-McGovern forces.

One thing was certain about McGovern's staff: they were young and inexperienced, mistakes were constantly being made and efforts to correct them would take vast amounts of time. If it had not been for the huge voluntee" army of workers nothing would ever get done. The simple campaign job like mailing and phone calls would take twice as long as it did by the Humphrey pros. Most of the young McGovern people knew nothing about campaigns, even the top men on the staff were not experts. The door to door canvass and street corner handout sheets were practically the only thing that anyone could do without someone else having to redo it. The lack of experience in the Mc-Govern camp was evident in the preconvention committee meetings when Mc-Govern people could not even control the manner in which their own delegates worded the motions and planks they presented. On one occasion a delegate had to read a platform plank in order to say it right. Letters and calls were constantly being sent out that were not authorized by McGovern. The grocery associations letter is an example of letters being mailed that hurt McGovern. Several types of literature were being distributed that were offensive to the people they were mailed to. McGovern tried to have a representative in every minority group or liberation movement. He tried to get each groups support yet never once did he try to bring all the groups together as Americans or to support the democratic process. McGovern's plan seems to be to disgrace and deceive the different groups into supporting him by proposing things he knows cannot be put into effect by Congress or the President. When these things do not happen McGovern plans to either blame Congress for lack of concern or to blame the President for not enforcing the policy. McGovern will count heavily on keeping the demonstrators divided and keeping dissent high among the workers and citizens of the country. If McGovern is successful in calling for a return of old America through new progressive policy he will surely have a hell of a job uniting the [copy illegible] would not pass because they are too extreme. In every promise McGovern makes, he always saves an opening for

excuses if the plan is not or can not be fulfilled. The Congress will become a terrible group of scapegoats if McGovern is elected. This fear is shown by many congressmen in Washington and that is why many democrats are so openly opposed to McGovern. A McGovern nomination could mean a Nixon victory large enough to defeat many Democrat congressmen and Senators thus giving the Republicans control of Congress.

There are many parallels between McGovern in 1972 and Goldwater in 1964. One of the parallels is the fear by McGovern over party Congressmen of its

possibilities in the November election.

#### Ехнівіт №. 237

I went to Miami on July 5, five days before the convention started. The first thing I did was to patrol all the hotels and see who was staying where and where all the headquarters would be. By the time I got to Miami, the whole convention seemed to depend on the vote on the California question, Monday July 10. By the weekend I had a good list of the delegations and where they were staying. I also had easy access to McGovern headquarters due to my association in DC. No one knew my name or what I did but they all recognized me and did not question my right to be anywhere inside the offices.

On Saturday the big break came. I saw McGoverns youth coordinator, Tom Southwick and he mentioned to me that McGovern was organizing his own security staff. This was the highlight of the past four months. I obtained the name of McGoverns top security man from Tom. I went to the Doral Hotel headquarters and asked for Tony Borash, head security man. I introduced myself and told Tony that Tom had sent me over for security reasons to assist him in the office security. Tony made me his assistant and we set up a security guard operation for the headquarters. Once I was on the staff I had even a better chance to go throughout the building. For three nights I was a guard on the penthouse floor that McGovern was staying on. I had complete control of who was allowed on the floor and how long they stayed. The secret service men assigned to McGovern cooperated with me and if I said someone could not come on the floor, then they were not allowed on the floor. I obtained a list of everyone on McGoverns staff and what he did. I got copies of secret service clearance list and I had access to all McGoverns convention operations rooms.

I was in the room where Frank Mankiewicz slept and Gary Harts room. I went into the Senators room several times. During the course of my security duties I met Pierre Salinger and his wife, Henry Kilmelman and his wife and all the

big time McGovern staff.

On Monday night I watched television with McGovern while the California vote was taken. He was very nervous until after he won the California discussion. It is amazing how easy it would be to be right in the midst of all the operations and planning and yet be an enemy. The work I did while in Miami is probably the best I did while I was on this assignment. The characters I have played in the last 4 months are as varied as the locations I was in. Maybe someday soon I will take the time to write about all the people I met and the things they wittingly helped me do to obtain information that hurt their individual causes.

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# Ехнівіт №. 238

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#### EXHIBIT No. 239

LAPD Form 15.02.0

### INTRA-DEPARTMENTAL CORRESPONDENCE

1.7 October 5, 1972

TO:

Deputy Chief Louis L. Sporrer

Acting Director, Office of Operations

FROM:

Commander G. N. Beck

Commanding Officer, Tactical Operations Group

SHRIFCT:

AFTER-ACTION REPORT - PRESIDENT NIXON'S VISIT -

SEPTEMBER 27, 1972

On September 27 and 28, 1972, the President of the United States, Richard M. Nixon, made several appearances in Los Angeles. This report covers the significant portion of his visit during the evening of the 27th at the Century Plaza Hotel.

## Type of Event

President Hixon was scheduled to be in Los Angeles on September 27, 1972 during a campaign tour. His schedule of events included landing at International Airport in the early afternoon, being transported to the Century Plaza Hotel by helicopter or motorcade, and attending a fund-raising dinner during the evening at the hotel. Information received from intelligence sources indicated an anti-Nixon demonstration was planned for 1800 hours on September 27, 1972 in front of the Century Plaza Hotel.

Information received from intelligence sources and from the demonstration coordinators indicated a potential police problem ranging from 5,000 to 10,000 demonstrators. The demonstrators planned to rally on the UCLA campus at 1600 hours, march to the Century City complex and picket the front entrance to the hotel where President Nixon was staying. The affected area included the UCLA campus, the route march along Westwood Blyd., southbound to Santa Monica Blvd., then east along Santa Monica Blvd. to Avenue of the Stars. The area of direct concern depended upon the size of the crowd and did include, at the height of the demonstration, Santa Monica Blvd. on the north, Olympic Blvd. on the south, Century Park East on the east, and Century Park West on the west. The involved area included the hotel complex, office and business structures along Avenue of the Stars, and a major shopping center northwest of the hotel.

The duration of the events associated with the Presidential security at the Century City complex extended from 1300 hours with the arrival of the Command Post staff to 2400 hours when the Command Post was secured.

## Command Post Information

The Field Command Post and Staging Area was located in the shopping center parking lot on Constellation Blvd., west of the Avenue of the Stars. Units involved in providing security and related police operations for this command post utilized tactical frequency II. The Field Command Post complex included Mobile I, II, IV, V, and VII supported by the light truck, sound truck, mobile canteen, three buses and one "B" wagon. The Field Command Post was staffed by members of the FCP Division cadre activated for this event. All major sections were operating with cadre members at 1300 hours. The CP staff arrived one hour previous to the Field Task Force personnel committed to field assignments or reserve force.

## Manpower

The manpower committed to this event was as follows:

A. Personnel deployment by rank assigned to the event:

Deputy Chief	1
Commander	1
Captain	2
Lieutenant	15
Investigators	11
Sergeants :	5.3
Policemen -	315
Policewomen	3
Civilians	24

425

The Field Task Force, originally comprised of Metropolitan Division personnel seventy strong, were supplemented by personnel responding to the Tactical Alert initiated at

1830 hours. The original force was deployed to provide crowd control details during the landing of the President's helicopter at the rear of the hotel, and to crowd control details at the front entrance to the Responding personnel were formed into platoon' hotel. size strength and stationed within the hotel sublevels, at the north and south side of the hotel as a ready force available for instant deployment. forces committed to crowd control at the front of the hotel and adjacent areas were directed to maintain a low-level posture consistent with the objectives of the Department to assure the security of the President, the right of Century City guests to ingress and egress, and the guarantee of the Constitutional rights of demonstrators and spectators.

Under the Field Commander's direction, liaison was maintained with Dr. Donald Kalish and other demonstration organizers to coordinate crowd control by demonstration monitors prior to police control tactics. Upon the demonstrators and spectators departing from the area, field strength was reduced around the hotel environs and a motor officer platoon deployed within the involved area to ensure minimal damage to surrounding structures.

## B. Total manhours expended by rank during event:

Deputy Chief	11.0
Commander	15.0
Captain	16.0
Lieutenants	164.0
Investigators	96.0
Sergeants	430.5
Policemen	3,217.0
Policewomen	31.0
Civilians	232.0
\ .	
	4,212.5

# Watch hours:

c.

Field Command Post Staff - 1300 to 2400 hours Emergency Control Center - 1500 to 2400 hours Field Task Force - 1400 to 2400 hours

# D. Total manpower costs \$34,038.78.

1. Straight-time cost (by rank):

Deputy Chief	60.83
Commander	114.64
Captain	97.44
Lieutenant	910.43
Investigator	352.34
Sergeant	2,629.13
Policeman	15,832.10
Civilian	895.00
	\$20,891,91

## 2. Overtime cost (by rank):

Deputy Chief	195.53
Commander	150.50
Captain	146.24
Lieutenant	1,109.85
Investigator	693.79
Sergeant	1,576.86
Policeman	8,903.10
Civilian	371.00
	\$13,146.87

# Logistics

The following equipment was utilized during this event:

- \* Microwave Relay \* Mass Arrest Kit (1) Trucks (2)

Expended items used at this event included approximately 50 plastic handcuffs and miscellaneous office supplies from Mobile II. The mobile canteen dispensed coffee, soft drinks, and doughnuts only. Total cost incurred in mobile canteen supplies was \$100.86.

# Chronological Narration

On Wednesday, September 27, 1972, President Richard M. Nixon arrived at International Airport at 1550 hours to attend a fund raising dinner at the Century Plaza Hotel. Security for his party was provided by the U. S. Secret Service and a detail of Department personnel from Metropolitan Division. The President was transported from LAX via military helicopter, landing at the rear of the hotel at approximately 1615 hours.

By 1800 hours, anti-war demonstrators had begun to arrive at the hotel, obtaining pre-deposited picket placards. The demonstration crowd in front of the hotel increased in number and reached an estimated size of 3,000 by 2000 hours. Department personnel were deployed at a low level visibility status to assure the security of the President, the rights of the hotel guests to ingress and egress, and to guarantee the Constitutional rights of the demonstrators and spectators. With the increasing size of the crowd and depletion of available field forces, a Tactical Alert was initiated at 1830 hours. Responding personnel were formed into platoons and deployed at the north and south side of the hotel, out of view and available to respond as needed. By 2100 hours the demonstrators started disbanding and by 2300 hours their number had reduced to a strength of less than 100. The Tactical Alert was cancelled and the Field Command Post deactivated at 2400 hours.

# Arrest Summary

The following arrests were made by Department personnel at the scene:

One male adult for 148 P.C. Interferring One male adult for 11910 H&S Possession of Dangerous Drugs One male adult for 11530 H&S Possession of Marijuana

All arrestees were booked at West Los Angeles Jail.

# property Damage

There were no reported property or vehicle damage associated with the demonstrators. However, a minor traffic accident occurred when the civilian driver of one of the LAPD buses (Shop #18105) collided with a vehicle legally parked in the lot where the FCP staging area was located. The collision was reported under Traffic Accident Report DR# 72-350 366.

# Operational Evaluation

Considering the amount of lead time, this operation was executed in a well planned and successful manner. Department personnel conducted themselves in a professional manner consistent with Chief Davis' guidelines to maintain a low profile while maintaining maximum security of the President and his guests. This event had the potential of becoming a major confrontation. The mature, professional attitude of the officers involved, combined with the cooperative actions of the demonstrator monitors, ensured a successful operation.

G. W. BECK, Commander

Commanding Officer, Tactical Operations Group

LAPO Form 15.02.0 Rev. Areit 1550

### INTRA-DEPARTMENTAL CORRESPONDENCE

1.7 October 5, 1972

TO:

Commander G. N. Beck

Commanding Officer, Tactical Operations Group

FROM:

Lieutenant B. E. Sanderson OIC. UO Control Planning Section

SUBJECT:

1972 PRESIDENTIAL VISIT TO CENTURY CITY

A time study of Department personnel deployed at the 1972 Presidential visit to Century City has been completed. The attached addendum reflects the time deployed and salary cost. The study indicates that approximately \$34,038.78 was expended for salary costs alone. This represents a deployment of 427 mandays, of which 151 were at an overtime rate. The salary cost was computed at a straight time hourly rate of \$5.00 for a civilian, \$6.70 for a policeman, \$8.55 for a sergeant, \$8.49 for an investigator, \$10.06 for a lieutenant, \$12.18 for a captain, \$14.33 for a commander, and \$17.38 for a deputy chief. The overtime salary cost was computed at an hourly rate of \$7.00 for a civilian, \$10.06 for a policeman, \$12.82 for a sergeant, \$12.73 for an investigator, \$15.10 for a lieutenant, \$18.28 for a captain, \$21.50 for a commander, and \$26.07 for a deputy chief.

The deployment in the geographic divisions was increased due to the President's visit to Century City and 408 hours of holiday time was bought back as per Administrative Order No. 9 of 1972 at a straight time rate for \$2,822.40. In addition, a minimum of \$1200.75 in overtime was accrued in the geographic divisions by personnel held over watch by the Tactical Alert and not committed to the Task Force.

This total of \$4,023.15 is in addition to the \$34,038.78 expended for personnel committed to the Task Force.

B.E. Landerson

B. E. SANDERSON, Lieutenant OIC, UO Control Planning Section

#### ADDENDUM

September 27, 1972

# MAN-HOURS

Rank	Regular Hours	Overtime Hours	Total Hours
Deputy Chief	3.5	7.5	11.0
Commander	8.0	7.0	15.0
Captain	8.0	8.0	16.0
Lieutenant	90.5	73.5	164.0
Investigator	41.5	54.5	96.0
Sergeant	307.5	123.0	430.5
Policeman	2.363.0	885.0	3,217.0
Civilian	179.0	53.0	232.0
	3,001.0 (71.25%)	1,211.5 (28.75%)	4,212.5

# COST

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Deputy Chief	\$ 60.83	\$ 195.53	256.36
Commander	114.64	150.50	265.14
Captain	97.44	146.24	243.68
Lieutenant	910.43	1,109.85	2,020,28
Investigator	352.34	693.79	1,046.13
Sergeant	2,629.13	1,576.86	4,205.99
Policeman	15,832.10	8,903.10	24,735.20
Civilian	895.00	371.00	1,266.00
	\$20,891.91	\$13,146.87	34,038.78
	(61-37%)	(38.63%)	

# EXHIBIT No. 240

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Page 2 of 4		BURGLARY REPORT		DR7 2-65763P								
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(1) EXPLAIN INVESTIGATION & STATUS.	(2) WHEN CORRECTING INFO SET	FORTH IN ORIGINAL REPORT.	PROTECUTE THE ORIGINAL INFO FOLLOWED
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PROPERTY SUPPLEMENTAL REPORT, FORM G item Nos. below DR No.) & TOTAL RECO	VERY WITH 'T'.		
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Las Argedas	s Ponce Department CONTINUATIO		
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1	ROY CONTRINING MISC	DOTCHES STIC	WELS INCENSE
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1	Box Containing Mise pa	TOUTS YSTICKED	25 760.00
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Los Angeles Police Department PROPERTY REPORT	FIREARM	CHECK Evi- ONE	BKG, RECORD PAGE NO.	DR72-6	51655
RESIDENCE ADDRESS		PERSON PROPERTY BOOKED TO (Last-	irst-middle)	RES. PHONE	BUS. PHONE
112 / NO DEANT GR	OVE	1 MALLORY 57	EPHEN VANCE	NONE	VONE
RESIDENCE ADDRESS -		ARRESTEE'S NAME		CHARGE	12/3/230
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RESIDENCE ADDRESS		PERSON REPORTING TO POLICE DEPT.	(Last, First, Middle)	RES. PHONE	BUS. PHONE
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9/18/72 2400 1400 9 INV. DIV. IS THIS STOLEN PROPERTY?	118/72	9/18/72 1900,	His. 414 115.14	NWORTH	
	_		TYPE OF PROPERTY CALL		DIV. RPTG.
1/WD DOTS X VES LINO	UNKNOWN	GRENGE-RESIDE			1200
PROBABLE CRIME Prints - Photo -		DIV. OR CITY & DATE CRIME OCCURRE	D LIST ANY CONNECTING		
4592C, 010		HWD 1/18/12	Denny Corpe	aring	132 34
Separate reports are required for each classifical Employee (Book as Evidence if connected to Cri	tion of prope me Possible	rty: Evidence: Book to Arrest Crime or Arrest ) Non-Eviden	ee, If none, Book to Vict se: Book to Finder Deno	im. If neither, sitor Owner or	Person in low-
f ful possession.			The state of the s		
(1) IF STOLEN IN CITY OF LOS ANGELES EACH CASE MUST FERTY. (3) GIVE ADDRESS, THEE AND/OF STEM QUAN- IF NOT LISTED, OR OTHER THAN ABOVE. No. TITY OF JOENTS/LOTION, LIST ONLY ONE AS	BE COVERED BY	CRIME AND FOLLOW-UP REPORTS. (2) R WHERE CONCERNED PERSON(S) MA	) DESCRIBE CIRCUMSTANCES RE Y BE CONTACTED BY DAY INVE	SULTING IN BOOK	NG OF THIS PROP+ I
TITY OF IDENTIFICATION, LIST ONLY DNE AF	(4) ITEMIZE :	NO DESCRIBE ALL PROPERTY. GIVE A NE.	LL SERIAL NUMBERS AND OTH	IER MARKS SE	RIAL NUMBER(S)   NO ENGRAVING
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#### EXHIBIT No. 241

GEORGE McGOVERN

#### United States Senate

WASHINGTON, D.C.

October 10, 1973

## Dear Senator Montoya:

I have examined the picture of Michael McMinnoway brought to my office by a member of the staff of the Senate Select Committee on Presidential Campaign Activities.

I do not recognize either his appearance or his name. No one resembling this picture was in my room in the Doral during the evening when the California challenge was being considered at the convention or, as far as I know, at any other time. Since there was a Secret Service agent stationed immediately outside the door of my suite whenever I was there, and since even close members of my staff were cleared to enter only when I wanted to see them, the sort of access he claims would have been impossible.

With best regards, I am

Sincerely yours,

Duny M. Annu

George McGovern

Subscribed and sworn to, before

me, this 10 day of Och

Honorable Joseph M. Montova 5229 Dirksen Building Washington, D.C. 20510

Notary Public, D.C.

My Commission Expires 14 May, 1978

#### EXHIBIT No. 242

#### VOTING RECORD ANALYSIS OF SENATOR EDMIND S. MIJSKIE

The following comments are drawn from Senator Muskie's voting record since 1963. The record demonstrates, at least until 1969, a tendency to vote with prevailing opinion, unwillingness to cast votes against the established (vested) interests of society, and a deep desire to avoid personal battles or intense controversy.

#### NATIONAL SECURITY

Senator Muskie consistently opposed or refused to support efforts to reduce both overall and line-item reductions in both defense procurement authorizations and defense appropriations. Senator Muskie repeatedly votes against line-item reductions in such things as the B-52 and B-58 bombers, but also against limiting funds for such white elephants as the RS-70 bomber. His record shows that he consistently refused to oppose military proposals even into 1969 when he voted against McIntyre and Fulbright limitations on ABM authorizations and for the overall ABM Sentinel system.

This record of support for the military extends to international relations where he not only refused to publicly oppose the war in Indochina until 1969, but where he has repeatedly and consistently opposed cuts in American military assistance. The final indictment in this area is his refusal to support Senator Clark's attempts to increase the security of the funding of the Arms Control and Disarmament Agency.

Senator Muskie's record displays either a provincial ambivalence to the military impact on the national interest, endorsement of militarism, or a failure to perceive the impact of the military establishment, its activities on American life and on social progress, judged from the point-of-view of the progressive wing of the Democratic Party.

#### THE DRAFT

The draft was a major issue in 1967. Senator Muskie opposed Senator Hatfield's proposal to gradually introduce a volunteer army and his proposal to extend the Selective Service Act only 2 years instead of 4. He also opposed introducing a lottery system of random selection and abolishing student deferments.

#### ENVIRONMENT

Senator Muskie's voting record on the environment is blemished first by his strong early support of the supersonic transport and his opposition to proposals to reduce funding for the development of this SST. It is further marred by his high absentee rate, so high that he did not vote on the 1966 Wild Rivers System, the 1967 Great Salt Lake National Monument, the 1967 Wild and Scenic Rivers Act, the Williams amendment to the 1968 Land and Water Conservation Act, or the 1969 Padre Island National Seashore Act.

Beyond these shortcomings, Senator Muskie's record on pollution measures before Congress is about the same as Senator McGovern's. He can be criticized, however, because he is so much praised. Part of this criticism lies in the story of what has happened in Maine, but part lies in his record in Washington.

It is virtually impossible to bring legal action for pollution under the measures he has proposed and had enacted into law. They rest on the questionable ideas that individual harm must be proved and associated with a single pollutant. In addition, Federal emissions standards have been avoided in favor of regional standards and evasions of intent.

The measures have protected, in some senses, and been supported by the industries they sought to control. This alone throws doubt on their potency. The measures that Senator Muskie has brought to the floor have never been controversial enough to pass or fail by narrow margins. This may, in part, be because of the Senator's constant cooperation with Senator Randolph, chairman of Public Works, his cooperation with industry, and his desire to avoid a fracas. All this may be desirable in a legislator and the Senator deserves credit for his early attention to pollution matters. But he has failed to provide progressive, consumer-oriented leadership in the field of the environment in recent years except when his congressional jurisdictions have seemed challenged or when the President has seemed about to get the credit for action that Senator Muskie coveted.

#### SPACE

Senator Muskie has voted consistently against reducing expenditures on the space programs. This applies both to line items, such as the Apollo program, and to across-the-board cuts, such as those introduced by Senator Proxmire.

#### URBAN PROBLEMS

Again Senator Muskie's record is flawed. He voted against the Urban Mass Transit Act of 1963 and paired against it with Senator Edward Kennedy in 1964. This is somewhat ironic given his charges of March 25, 1971, that the Nixon administration was hypocritical for consistently opposing urban mass transit.

#### CONGRESSIONAL ETHICS

Quite surprisingly, Senator Muskie has consistently voted against resolutions and amendments supporting disclosure in full of income, gifts, and professional associations and barring associations with lobbyists. Key votes occurred in 1964, 1967, and 1968 and on all votes, Mr. Muskie supported secrecy and vested interests. These are among the few cases in which Mr. Muskie has been willing to stand among a minority and lose.

#### EDUCATION

The only flaw here comes in Senator Muskie's 1965 opposition to funds for the National Science Foundation. This is one area in which it is hard to argue with the record of the Senator from Maine.

#### HEALTH

Again it is difficult to fault the Senator from Maine, although he did vote against a Ribicoff amendment in 1965 to remove time limitations on hospital and nursing home care.

#### CIVIL RIGHTS

The most serious weakness in the voting record in this area is the Senator's 1965 vote against Edward Kennedy's amendment to ban the poll tax as a precondition for voting. This seems out of place in the record of a civil libertarian, but the rest of his record is quite in line with what the progressive wing of the party should expect of its candidates.

#### ECONOMIC (TAX) ISSUES

Again Senator Muskie is surprisingly weak. In 1964, he voted against raising personal tax exemptions and limiting the reduction in corporate taxes and against directing regulatory agencies not to slow the "flow" of tax benefits to consumers. He also voted against forbidding financial institutions from deducting interest on loans used to buy tax-exempt bonds.

In 1968, he voted repeatedly to support the surcharge for individuals and voted against the McGovern-Church ingenious excess profits tax substitute. More surprising, because of his switch to a far more liberal voting record in 1969, was his vote for extending the 10 percent income tax surcharge as requested by the administration.

#### AGRICULTURAL ISSUES

Senator Muskie comes out with as much mud on his face for his votes on agricultural issues as for his votes against congressional ethics. In 1964 he voted againt forbidding the Commodity Credit Corporation from selling wheat at less than 115 percent of support price. Such measures are necessary if price supports are to work to the benefit of farmers. He has continually, however, and inconsistently with the former vote, voted against all and any limitations on price support payments. This has been true even of such loose measures as limiting payments to \$100,000, in which case they really have no meaning anyway. Furthermore, this pattern has continued into 1969 when he voted for striking House language in the Agricultural Appropriations Act that limited price support payments to \$20,000.

Again it seems that Mr. Muskie casts votes that favor the rich and powerful, the vested interests, the established and the affluent.

#### COMMENTARY

These votes say little about the man by themselves. Together, however, they give no indication of any depth of feeling in the fight for the rights of deprived minorities, no leadership in the areas of massive government spending and social vested interests, and no intuition for the evolving issues of society and politics. In short, they indicate no leadership and no will to lead.

# APPENDIX II MUSKIE VOTING RECORD

The following votes were cast by Senator Muskie on bills and amendments recorded in Appendix I of the Memorandum on Senator McGovern's Voting Record. They are in the same order and classified in the same way. Only those bills from that memorandum are recorded on which the Senators took opposing positions, except for selected cases in which absences are noted because these are consistent with a trend of disagreement between the Senators on some issues.

#### MUSKIE VOTING RECORD INDEX

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Urban Problems	6-7
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Miscellaneous	15

#### APPENDIX

#### MUSKIE RECORD ON NATIONAL SECURITY ISSUES

# 1963 (88th Congress, First Session)

#### H.R. 7179 Defense Appropriations Bill

Saltonstall amendment to reduce funds for procurement by \$157m. or 1%

No (F 43-45)

McGovern-Randolph-Morse-Nelson amendment to reduce funds for procurement, research, development, testing and evaluation by \$2.2b. or 10%

No (F 2-74)

Proxmire amendment to strike \$60m. for development of Air Force medium range mobile missile

No (F 5-72)

# 1964 (88th Congress, Second Session)

# H.R. 9637 Military Procurement Authorization

McGovern amendment to reduce by \$52m. funds for accelerated development of advanced manned bomber

No (F 20-64)

#### H.R. 10939 Defense Appropriations Bill

McGovern amendment to reduce \$46.7b. appropriation by 4% across the board

No (F 5-78)

Nelson amendment to reduce \$46.7b. appropriation by 2% across the board

No (F 11-62)

#### H.R. 11380 Foreign Aid Authorization, 1965

Morse amendment to require special preference in military assistance to those countries with military establishments no larger than their economies can sustain

No (F 17-59)

1965	(89th	Congress,	First Session)

H.R. 10871 Foreign Aid Ap	propriations
---------------------------	--------------

Morse amendment to reduce Latin American

McGovern amendment to reduce funds for pro-

military assistance \$25m. No (F 41-43)

Morse amendment to reduce by \$292m. funds

for military assistance No (F 30-56)

Ellender amendment to reduce by \$100m.
funds for military assistance

No (F 35-47)

# 1966 (89th Congress, Second Session)

# H.R. 15941 Defense Appropriations Bill

curement, etc. by 2.2% or \$522.5m. No (F 18-69)

Clark-McGovern amendment to delete appropriation of \$153.5m. for Nike-X ABM system No (F 14-73)

# S. 3583 Military Assistance and Sales Act

McGovern amendment to reduce authorization for military assistance and sales programs from \$892m. to \$642m. for fiscal year 1967 No (F 23-71)

Passage of bill authorizing \$792m. for military assistance and sales fiscal year 1967 Yes (P 82-7)

# H.R. 17788 Foreign Aid Appropriations, 1967

Ellender amendment to reduce by \$48m. funds for military assistance No (P 47-27)

# 1968 (90th Congress, Second Session)

#### S. 3293 Military Procurement Authorization, 1969

Nelson amendment to reduce by \$343m. authorization for Army procurement of missiles

No (F 17-41)

Cooper amendment to prohibit deployment of an ABM system until Secretary of Defense certifies workability	No (F 28-31)
H.R. 16703 Military Construction Authorization	
Young amendment to strike \$227m, for construction of support facilities for Sentinel ABM	No (F 12-72)
H.R. 14940 Arms Control and Disarmament Act	
Clark amendment to authorize \$33m. for fiscal years 1969-71 instead of \$17m. for fiscal year 1969-70	No (F 18-53)
1969 (91st Congress, First Session)	
S. 2546 Military Procurement Authorization- ABM Deployment, 1970	
McIntyre amendment limiting deployment of Safeguard ABM system to 2 designated sites	No (F 27-70)
Fulbright amendment to reduce research funds by \$46m, and limit expenditure to directly military purposes	No (P 49-44)
Passage of bill authorizing \$20.7b. for military procurement and research, etc. and ABM deployment	Yes (P 58-9)
1970 (91st Congress, Second Session)	
H.R. 17867 Foreign Aid Appropriations, 1971	
Passage of bill appropriating \$4.1b. in foreign assistance fiscal year 1971	Yes (P 43-32)
H.R. 17123 Military Procurement Authorization	
Senate passage of the bill authorizing \$19,242,889,000 fiscal year 1971 for Department of Defense major weapons, procurement and research	Yes (P 84-5)

H. R. 19911 Passage of bill authorizing \$544.2m. in supplemental foreign assistance funds fiscal year 1971 including aid provisions for Cambodia	Yes (P 72-22)
S. 3302 Defense Production Act Extension	
Goodell amendment requiring the President to submit annually to Congress a report on military expenditures	No (F 24-46)
MUSKIE RECORD ON DRAFT	
1967 (90th Congress, First Session)	
S. 1432 to amend Universal Military Training and Service Act	
Hatfield-Nelson amendment to provide for a volunteer army	No (F 9-69)
Hatfield amendment to limit extension to 2 as opposed to 4 years	No (F 13-67)
S. 1432 Conference Report on Selective Service ex- tending law to 1971, continuing student defer- ments and rejecting a lottery	Yes (P 72-23)
1970 (91st Congress, Second Session)	
H.R. 17123 Military Procurement Authorization, 1971	,
Hatfield-Goldwater amendment to provide for the creation of an all volunteer army	No (F 35-52)
Proxmire amendment to prohibit the use of draftees in Vietnam, Laos or Cambodia	No (F 22-71)

#### MUSKIE RECORD ON ENVIRONMENTAL ISSUES

# 1966 (89th Congress, Second Session)

H. R. 14921 Independent Offices Appropriation, 1967

Proxmire amendment to reduce funds for development of supersonic transport plane from \$280m. to \$80m.

No (F 31-55)

# 1970 (91st Congress, Second Session)

H. R. 17123 Military Procurement Authorization, 1971

Proxmire amendment to require the Department of Defense to show compliance with National Environmental Policy Act of 1969

No (F 26-59)

#### MUSKIE RECORD ON SPACE PROGRAM

# 1963 (88th Congress, First Session)

H. R. 7500 NASA Authorization, 1964

Lausche amendment to cut NASA authorization by \$308m.

No (F 32-37)

H.R. 8747 Independent Offices Appropriation, 1964

Fulbright amendment to cut NASA appropriation by 10%

No (F 36-46)

Proxmire amendment to cut NASA appropriation by \$90m.

No (P 40-39)

#### 1964 (88th Congress, Second Session)

H.R. 10456 NASA Authorization, 1965

Fulbright amendment to cut \$268m. from Project Apollo authorization

No (F 38-43)

1965 (89th Congress, First Session)

H.R. 7997 Independent Offices Appropriation, 1966

Proxmire amendment to cut NASA appropriation by 5%

A (F 16-61)

1966 (89th Congress, Second Session)

H. R. 14921 Independent Offices Appropriation, 1967

Proxmire amendment to cut NASA appropriation by 10%

No (F 18-65)

1967 (90th Congress, First Session)

S. 1296 NASA Authorization, 1968

Proxmire amendment to cut NASA authorization by \$317m.

No (F 35-50)

Proxmire amendment to cut NASA authorization by \$98m.

No (F 38-46)

1968 (90th Congress, Second Session)

H.R. 15856 NASA Authorization, 1969

Proxmire-Williams (Del.) amendment to cut NASA authorization by \$780m.

No (F 33-38)

MUSKIE RECORD ON URBAN PROBLEMS

1963 (88th Congress, First Session)

S. 6 Urban Mass Transit Act of 1963

Passage of bill authorizing matching grant mass transit program with 3 year fund authorization of \$375m.

No (P 52-41)

# 1964 (88th Congress, Second Session)

#### S. 6 Urban Mass Transportation Act of 1964

Senate concurrence with House amendment to bill authorizing 3 year \$375m. mass transit program

P No (P 47-36)

# 1970 (91st Congress, Second Session)

# S. 3154 Urban Mass Transportation Assistance Act of 1969

Goodell-Cranston-Javits amendment to provide an additional \$6.9b. for urban mass transportation programs after July 1, 1975

No (F 16-67)

## H. R. 14465 Airport and Airways Development Act

Williams-Case amendment to limit the role of the Secretary of Transportation in selecting a site for an airport

No (P 56-31)

#### MUSKIE RECORD ON CONGRESSIONAL ETHICS

# 1964 (88th Congress, Second Session)

## H.R. 11049 Federal Employees Pay Bill

Morse-Clark amendment to require full annual disclosure of all assets, sources of all gifts, income and contributions by Members of Congress, Federal officials, and military officers

No (F 25-66)

Keating amendment to require as precondition of pay increase disclosure by Members, officers and employees of Congress receiving annual salaries in excess of \$10,000 of all financial interests in excess of \$5,000 and sources of all income in excess of \$100

No (F 25-61)

S. Res. 337 Disclosure and Prohibited Activities

A resolution requiring disclosure by Members, officers and employees of Congress receiving annual salaries in excess of \$10,000 of all assets in excess of \$5,000, capital gains in excess of \$5,000, associations with professional firms, employment and financial condition of spouse, and prohibiting joint ventures with lobbyists and acceptance of gifts in excess of \$100 in value

No (F 25-62)

# 1967 (90th Congress, First Session)

S. 355 Legislative Reorganization Act of 1967

Motion to table Clark amendment requiring Senate members and employees earning in excess of \$10,000 to file a financial statement with the Secretary of the Senate

No (P 45-30)

S. 1880 Election Reform Act of 1967

Clark amendment requiring financial disclosures by Congressional incumbents and candidates

A (F 42-46)

# 1968 (90th Congress, Second Session)

S. Res. 266 Senate Standards of Conduct

Cannon amendment to extend disclosure to candidates as well as incumbents

No (P 45-37)

MUSKIE RECORD ON LABOR ISSUES (including farm labor issues)

# 1963 (88th Congress, First Session)

H.R. 5888 HEW-Department of Labor Appropriations, 1964

Hill amendment restoring House deleted bracero program for fiscal year 1964

Yes (P 45-34)

# 1965 (89th Congress, First Session)

H. R. 77 to repeal section 14b of the National Labor Relations Act (Right-to-Work)

Mansfield motion to bring debate to a close under Senate Rule XXII (cloture) (Note: in effect this motion opposed the Right-to-Work provision.)

Yes (F 45-47)

# 1966 (89th Congress, Second Session)

H. R. 77 to repeal section 14b of the National Labor Relations Act (Right-to-Work)

Mansfield motion to bring debate to a close under Senate Rule XXII (cloture)

Yes (F 50-49) 2/3 required

H.R. 15119 Unemployment Insurance Amendments, 1966

Committee amendment to provide 26 weeks of benefits at minimum after 20 weeks of work regardless of state law (Note: average period of unemployment is 6 weeks)

Yes (F 38-44)

# 1967 (90th Congress, First Session)

S. J. Res. 81 Railroad Shop Craft Dispute

Yarborough amendment to impound 10% of railroad profits during period in which Special Board's settlement terms are in effect

No (F 23-59)

Kennedy (Mass.) amendment to provide for government seizure of railroads during 90 day mediation period

No (F 22-64)

Resolution empowering President to appoint mediation panel during 90 day no-strike, no lock-out period

Yes (P 70-15)

# 1970 (91st Congress, Second Session)

H. J. Res. 1413 (S. J. Res. 248) Railway Labor-Management Dispute

> Senate passage of a bill extending to March 1, 1971 the prohibition of strikes or lockouts and providing pay increases for railway employees

Yes (P 54-31)

#### MUSKIE RECORD ON EDUCATION ISSUES

# 1963 (88th Congress, First Session)

H.R. 8747 Independent Offices Appropriation, 1964

Clark amendment to provide \$50m. increase in funds for National Science Foundation

No (F 20-57)

#### MUSKIE RECORD ON HEALTH ISSUES

# 1964 (88th Congress, Second Session)

H. R. 6675 to provide a hospital insurance program for the aged under the Social Security Act

Ribicoff amendment to remove time limitations on hospital and nursing home care

No (F 39-43)

#### MUSKIE RECORD ON CIVIL RIGHTS

# 1965 (89th Congress, First Session)

S. 1564 Voting Rights Act of 1965

Kennedy (Mass.) amendment to ban poll tax as precondition of voting

No (F 45-49)

## MUSKIE RECORD ON ECONOMIC ISSUES

# 1964 (88th Congress, Second Session)

#### H.R. 8363 to amend Internal Revenue Code of 1954

Douglas amendment to raise personal tax exemption by \$100 and limit reduction in corporate taxes to 2% (rather than 4%)

No (F 23-71)

Proxmire amendment to delete provision directing Federal regulatory agencies (utilities) to slow "flow" of tax benefits to consumers

No (F 43-48)

Williams (Del.) amendment to forbid financial institutions from deducting interest on loans used to buy tax-exempt bonds

No (F 40-41)

# 1968 (90th Congress, Second Session)

# H. R. 15414 Revenue and Expenditure Control Act of 1968 (Conference Report)

Adoption of Act providing tax surcharge of 10% on individuals and corporations and reducing expenditures

Yes (P 64-16)

# 1969 (91st Congress, First Session)

Nomination of Carl Gilbert to the Special Trade Representative (an advocate of trade liberalization)

No (P 61-30)

#### H.R. 9951 Surtax Extension

Passage of bill extending 10% surcharge to December 31, 1969

Yes (P 70-30)

# 1970 (91st Congress, Second Session)

#### H. R. 17550 Social Security-Trade-Family Assistance

Motion to table Williams amendment to add a new Title II and Title III for quotas on textiles and footwear

No (F 31-58)

#### MUSKIE RECORD ON CONSUMER ISSUES

# 1965 (89th Congress, First Session)

#### S. 596 to amend Public Health Service Act

Pastore motion to table amendment to prohibit use of Federal funds for medical research unless all developments are freely available to the general public (free use of patents)

Yes (P 55-36)

# 1970 (90th Congress, Second Session)

# S. 4459 Consumer Protection Organization Act

Hart amendment to establish Consumer Protection Agency independent of executive branch

Yes (F 10-69)

#### MUSKIE RECORD ON AGRICULTURAL ISSUES

# 1964 (88th Congress, Second Session)

#### H.R. 6196 Agriculture Act of 1964

Mundt-Humphrey amendment to forbid Commodity Credit Corporation from selling wheat at less than 115% of support price

No (F 34-54)

## 1965 (89th Congress, First Session)

#### H.R. 9811 Food and Agriculture Act of 1965

Brewster amendment to limit price support payments (save sugar producers) to \$25,000

No (F 35-56)

Williams (Del.) amendment to limit payments as above to \$50,000

No (F 42-49)

Williams (Del.) amendment to limit payments as above to \$100,000

No (F 42-50).

# 1968 (90th Congress, Second Session)

#### H. R. 15414 Tax Adjustment Act of 1968

McGovern amendment to limit dairy imports to average of 5 year period 1961-65

No (F 37-38)

# S. 3590 Agriculture Act of 1968

Williams (Del.) amendment to limit price support payments (save sugar producers) to \$25,000

A (F 25-47)

Williams (Del.) amendment as above to limit payments to \$75,000

A (F 30-40)

Monroney, et. al. amendment to establish or maintain strategic reserves of wheat, feed grains, soybeans and soybean oil

A (F 26-48).

# 1969 (91st Congress, First Session)

# H.R. 11612 Agriculture Appropriations, 1970

Committee amendment to strike House language limiting price support payments (save sugar producers) to \$20,000

Yes (P 53-34)

# H. R. 17923 Agriculture and Related Agencies Appropriations, 1971

Holland-Hruska amendment to increase amount available for Farmers Home Administration direct real estate loans for rural water and sewage facilities by \$40m. instead of increasing it by \$272m.

Yes (P 53-24)

#### MUSKIE RECORD ON CRIME ISSUES

# 1965 (89th Congress, First Session)

H. R. 5688 Omnibus Crime Bill (District of Columbia)

Tydings amendment to strike Title I modifying Mallory rule (confessions may not be obtained by unreasonable delay, a defendant must be advised of his rights, etc.)

No (F 26-67)

#### MUSKIE RECORD ON INDIAN PROBLEMS

# 1964 (88th Congress, Second Session)

H.R. 10433 Interior Department Appropriation, 1965

Morse amendment to increase funds by \$4.9m. to establish a boarding high school for Indian students

No (F 11-71)

#### MUSKIE RECORD ON SHIP-BUILDING ISSUES

# 1968 (90th Congress, Second Session)

H. R. 15189 Maritime Authorization

Williams (Del.)-Lausche amendment to reduce vessel construction authorization from \$237m. to \$120m.

No (P 48-32)

#### MUSKIE RECORD ON GUN CONTROL

#### 1968 (90th Congress, Second Session)

S. 917 Omnibus Crime Control and Safe Streets Act of 1968

Dodd amendment to permit interstate shipment of longarms only when sanctioned by state law and sales to persons under 18 only when accompanied by parents or guardian

Yes (F 29-54)

Hruska amendment to weaken handgun provisions of Title IV (Firearms Control)

No (F 37-45)

# 1969 (91st Congress, First Session)

# H.R. 12829 Interest Equalization Tax extension

Dodd motion to table Committee amendment exempting shotgun and rifle ammunition from record-keeping requirements of Gun Control Act of 1968

A (F 19~65)

Passage of Committee amendment as above

A (P 65-16)

#### MISCELLANEOUS ISSUES

## 1969 (91st Congress, First Session)

Motion to recommit nomination of Otto Otepka to the Subversive Activities Control Board of the Senate Judiciary Committee

No (F 35-56)

EXHIBIT No. 244-1

# The Washington Post

MONDAY, FEBRUARY 1, 1971

# The Harris Survey

# Muskie Runs Ahead of Nixon In Trial Heat, 43% to 40%

By Louis Harris

Edmund Muskie leads President Nixon and Gov. George Wallace in the latest Harris Survey trial heat for the 1972 race for the White House. The Maine Democrat is ahead of Mr. Nixon as the Republican candidate by 43 to 40 per cent, with Alabama Gov. Wallace polling 11 per cent as a third party candidate.

Here is the trend of results in similar soundings that have been taken since 1969 in answer to these questions: "If the election for President in 1972 were being held today and you had to decide, would you vote for Sen. Edmond Mufor the Demcrats. President Richard Nixon for the Republicans, or Gov. George Wallace as an independent?" and "If you are not sure but had to say whom you lean toward—Muskie the Democrat, Nixon the Republican, or Wallace the independent.

#### TREND FOR PRESIDENT

		Avskie	Wallace	
January, 1971	40%	43%	11%	6
Nov., 1978	40	44	10	4
Sept.	49	43	10 12	4
May	42	38 36	12	
April	47	36	.10	7
Feb.	49	35	11	5
Nov., 1969	49.	35	31	5
Oct.	51 51	35	•	5
May	51	33	11	5

lace stronger with young peo- analyzed by race: ple, but with the President ahead among those over 50:

## TRIAL HEAT BY AGE

Nationwide Under 30 30-49 50 and over	Nixen 40% 36 41	Muskle 43% 46 43 40	Wallace 11 % 12 10 11	SUP 69
50 and over	44	40	11	5

Results indicate that many of the traditional economic political divisions are disappearing in this changing electorate:

#### TRIAL HEAT BY INCOME

	Nixon A	Auskie	Wallace	SUFE
Nationwide	40%	43%	11%	6%
Under \$5000	36	44	13	7
\$5000-\$9999	36	-40	15	7
\$10,000-\$14,999	42	44	9	5
\$15,000 and ov	rer 46	44	7	3

One division of the elec-The division by age shows torate does take on a familiar sharp and significant differ—and in this test, decisive ences, with Muskie and Wal-pattern, when the vote is

#### TRIAL HEAT BY RACE

	Nixon A	Auskie '	Wallace	Net sure
Nationwide White Black	40% 43 13	43% 40 73	11% 12 2	5% 12
© 1971 New York	. Chicas News B	o Trib	une- te, Inc.	

#### HARRIS SURVEY

Question: Suppose in 1972 for President it were between Nixon the Republican, Senator Edmund Muskie of Maine for the Democrats, and Governor Wallace as an Independent. If you had to choose right now, who would you be for? and

(If "NOT SURE") Well, if you had to say, would you lean toward Nixon the Republican, Muskie the Democrat, or Wallace the Independent?

#### NIXON-MUSKIE-WALLACE-TREND

		Nixon %	Muskie %	Wallace %	Not Sure
(final pairing)	June, 1972	49	28	18	5
	April, 1972	44	33	15	8
	March, 1972	47	35	12	6
	Feb., 1972	44	40	11	5
	Jan., 1972	42	42	11	5
	Nov., 1971	43	39	11	7
	Sept. 1971	. 47	35	11	7
	Aug., 1971	43	41	12	4
	June, 1971	40	42	11 .	7
	May, 1971	40	42	11	7.
	April, 1971	- 39	. 47	11	3
	Feb., 1971	39	44	12	5
	*				

Question: (If CHOICE "WALLACE") Suppose George Wallace were not running, who would you vote for -- Nixon the Republican or Muskie the Democrat?

#### NIXON-MUSKIE TREND

		Nixon	Muskie	Not Sure
		X	%	%
(final pairing)	June, 1972	59	33	8
	March, 1972	50	37	13
	Feb., 1972	47	45	8
	Jan., 1972	45	48	7 .
	Nov., 1971	48	43	9
	Sept., 1971	50	40	10
	Aug., 1971	47	45	8
	June, 1971	46	46	8
	April, 1971	44	50	6
	Feb., 1971	42	48	10

#### **EXHIBIT No. 244-2**

REQUEST FOR DIS	BURSEMENT Date		19
Payable To_	By Check	By Petty Cash	nd S. Muskie
For			eet, N.W. D. C. 20036
Requested By	Approved By	Issued By	
Date Amount \$	Numb	per	March 2, 1971

#### MEMORANDUM

TO:

STAFF BOB JONES

FROM: SUBJECT:

REQUEST FOR DISBURSEMENT

As our organization grows, it is necessary for us to establish reasonable, but effective, financial control. This is particularly true when so many new and volunteer personnel are working with us.

The list below shows types of expenditures and approval required for petty cash expenditures. The attached form should be filled out by the person requesting the reimbursement, approved by the appropriate person and sent to Ruth Riddle for payment. It is requested that all purchases of office supplies, other than emergency items, be done through Ruth instead of using petty cash. Supplies ordered during the week are delivered on Friday.

#### USES OF PETTY CASH

TYPE OF EXPENSE	APPROVAL	. NEEL	ED
Meal Reimbursement Office Supplies including stamps (emergency purchase). Cab Fare during work Mileage and Baggage Handling (local) Books, Newspapers and Magazines Other Expenses	Section Section Section Section	Head Head Head Head	

Requests for checks for any purpose should be approved on this form by either BIB,  $\ensuremath{\mathsf{DEN}}$  or  $\ensuremath{\mathsf{RLN}}$  .

Supplies of the "Request for Disbursement" form can be obtained from Ruth Riddle.

April 17, 1971

# ME MORANDUM

From:

Berl Bernhard

To:

Staff

We have all been aware, for some time, that our political operation has needed more concentration.

The acquisition of Jack English was a major step in meeting that problem but, because of a lack of resources, we have found it difficult to augument his operation with necessary supportive personnel.

We have recently been offered the services of a significant number of qualified people on a volunteer basis to help us with speech writing, research and issues development. We have also sought to tighten up all phases of our program while looking toward increasing reliance on volunteer assistance.

This will make it possible for us to attend properly to the political operation by reducing, temporarily, staff overhead.

It is difficult to take off the payroll people who have made a significant contribution. We hope it will be possible to have them rejoin the staff in the future and to serve right away as volunteers wherever possible.

#### MEMORANDUM

TO: Berl Bernhard

Lloyd DeVos

DATE: February 11, 1972

George Mitchell, Don Petrie Arnold Picker

FROM: Peter Brink

RE: Overall Summary of Financial Arrangements Per

Meeting on Thursday, February 10.

I. Rough totals for period February 1 - May 6:

Previously estimated revenue for period \$2,500,000

Reduced by \$400,000 to \$600,000 (due to adoption of self-funding in most primary states -- see below)

\$2,000,000

Expenditures for New Hampshire, Florida, Wisconsin (exclusive of support items in national budget) Maximum

\$1,000,000

Budgets approved for other primary states for which national fundraising is responsible:

Ohio \$251,000
New Jersey 18,600
New York 38,500
California 90,000

Total for Four Primaries

400,000

Requested budget of \$161,000 for convention state seed money reduced by \$61,000

100,000

Requested national headquarters budget of \$1,600,000 reduced by cuts of \$387,000 (exclusive of 10% pay cut)

1,200,000

Total Projected Expenditures

\$2,700,000

Short fall of revenue below expenditures

700,000

Page 2.

Memorandum to: Berl Bernhard

Lloyd DeVos George Mitchell Don Petrie

Arnold Picker Peter Brink

From: Date:

February 11, 1972

II. It is impossible to determine at exactly what date the estimated \$700,000 short fall will cause a deficit in cash flow so severe that we will be unable to meet deadlines for cash expenditures. An estimated date can only be determined after Arnold and Dick Kline have adjusted their estimated revenue inflow by week to take into account the loss of revenue to national fundraising caused by the self-funding arrangements. In addition, once George arrives at reduced budget totals for New Hampshire, Florida and Wisconsin, and a decision is made on the 10% pay cut at headquarters and on the Hill, a revised projection of cash disbursements must be made. All of these adjustments should be made by Wednesday, February 16 so that Berl and George can be advised of the estimated date of interruption of cash disbursements. Hopefully, the two cash flows will coincide sufficiently to avoid an interruption prior to the Florida primary date. However, this may well not be the case.

- III. George and Berl are to meet with the Senator to make clear to him that our present course of action means that we will face an inability to make cash payments for projected items (whether time buys, payroll, telephone) by mid-March or sooner unless victories in the New Hampshire and Florida primaries cause a major upsurge in contributions i.e. a major increase in contributions over the \$2,000,000 target for the February 1 May 6 period.
- IV. Meetings of Berl, George, Don, Peter and Lloyd will be held every Saturday morning (starting February 19) to review financial position.
- V. It was agreed that eleven of the primary states would be self-funding. No disbursements of funds will be made out of monies raised by national fundraising and consequently the amounts of expenditures set forth in the above summary include no transfers of funds for campaigns in these eleven states. While national fundraising is free to attempt to draw money out of persons in those states, all monies raised by the state finance committees of those states will be used in the respective state campaigns (with the exception of \$250,000 in estimated surpluses detailed below). To clarify this arrangement it is assumed that the following points are agreed upon:

Page 3.

Memorandum to: Berl Bernhard

Lloyd DeVos George Mitchell Don Petrie Arnold Picker

From: Peter Brink

Date: February 11, 1972

A. The national Muskie for President will not accept liability for debts incurred by these eleven state organizations.

- B. Seed money or loans from Muskie for President to these state organizations will not be provided.
- C. The national Muskie-for-President will continue to pay the salaries and travel expenses of Jim Johnson, Dick Leone and Tony Podesta only. The national will also continue to pay the travel, advance and rally costs cirectly related to ESM events.
- D. The respective state organizations will purchase approved campaign materials either locally or from sources arranged by the national.
- E. No monies raised prior to February 10, 1972, in these respective states and already transferred to national headquarters are to be refunded to the state organizations.
- F. Direct mail fundraising by the national may continue. The national will continue to turn over the names of all direct mail contributors in each state to the respective state organizations.
- G. Monies raised by these state organizations are to be retained physically by the organizations.

  Names/addresses of contributors will be sent to national headquarters for ESM thank-yous and reporting.
  - H. Monies for media time buys will be sent directly from the state organization to Ruth Jones, Ltd.
  - I. The political coordinator in charge of each of the state organizations will designate a local individual to be responsible for adequate accounting of funds raised and spent and full compliance with the Federal Election Campaign Act. The person selected must be approved by national headquarters. The national headquarters will supply legal and accounting guidelines and policies and may audit state organization accounts.

Page 4.

Memorandum to: Berl Bernhard

Lloyd DeVos George Mitchell

Don Petrie Arnold Picker

From: Peter Brink
Date: February 11, 1972

The eleven self-funding primary states are listed below. The budget figures listed are the estimates of what the respective state fundraising effort can be expected to raise and therefore what the state organization will have available to spend. The right-hand column indicates whether the state is expected to raise any surplus funds for transfer to the national.

	Self-Funded Budget Estimate	Surplus for National
Illinois	\$200,000	Surplus anticipated subsequent to primary 3/21.
Rhode Island	No Estimate	Zero
Massachusetts	\$200,000	Raise \$300,000 equels \$100,000 surplus
Pennsylvania	\$350,000	Zero
Indiana	\$150,000	Zero <u>1</u> /
North Carolina	\$100,000	Raise \$200,000 equals \$100,000 surplus
Tennessee	No Estimate	Zero
Nebraska	\$30,000	Zero
West Virginia	No Estimate	Zero
Maryland	\$125,000	Raise \$200,000 equals \$75,000 surplus
Michigan	\$315,000	Zero

Unlike other self-funding primaries all expenses relating to ESM travel, advance and rallies will be paid for by the Indiana organization.

#### **MEMORANDUM**

TO: Berl Bernhard.

Lloyd DeVos

DATE: February 11, 1972

George Mitchell /
Don Petrie
Arnold Picker

Arnold Picker

FROM: Peter Brink

RE: Follow-up on Budget Meeting of February 10th

#### I. Berl Bernhard and George Mitchell Together

- Explain implications to ESM of decision not to cut projected expenditures sufficiently to meet projected revenues (as spelled out in the attached memo).
- Consult with ESM as to cutting all salaries by 10% at K Street and on all Hill payrolls. (Employees earning \$100 per week or less to be excluded from cut). Also consult with ESM on explanation to press regarding cuts.
- Meet with Squier to tell him that Media Production budget is cut from \$222,000 to \$120,000 for the period from February 1 through May 6.
- 4. Try to arrange for Hank Brown to be volunteer full time labor coordinator.

#### II. Bernhard

1. Together with Jack English, explain and enforce cut of California budget to \$25,000 per month effective February 13 and ending until at least May 6. Arrange with California that, within the reduced budget, they will continue the following persons on their payroll but will allow them to devote full time until May 6 to working in convention states:

Page 2.

Memorandum to: Berl Bernhard

Lloyd DeVos George Mitchell Don Petrie

Arnold Picker

From: Peter Brink

Date: February 11, 1972

a. Poulen

b. DePoin

c. W. McGuire

d. Armendariz

- Contact Henry Haladay regarding volunteer full time lawyer if Mitchell is unsuccessful with McDermott.
- Tell Don Nicoll that he must cut either Elsie Vance or Laurie Williams, and we will not pay \$1,700 he committed to Sukie Hammond. Also tell him we cannot pay parking for any staff member.
- Arrange with Sandy Leding for her to shift to the second floor to provide secretarial service to Michael Barnes and Harold Wolff.
- 5. Tell Marsha Pinkstaff that she will remain on the existing payroll arrangement, i.e. \$25 per day for advance work, with possible shift to Indiana payroll later.
- Tell Dick Kline that he does not have an additional slot for secretarial help.

#### III. George Mitchell

 Cut New Hampshire, Florida and Wisconsin budgets to below \$1,000,000 and, in addition, subtract from each budget salaries and expenses of national staff assigned full time to the respective states.

Also direct that each of these budgets absorb the cost of telephone deposits due to the decision not to use a national telephone deposit.

- Contact McDermott to arrange all necessary legal assistance.
- Tell Mark that Kathy will assist Jack English, John Dean and Bill Beckham, as well as him.

Page 3.

Memorandum to:

Berl Bernhard Lloyd DeVos George Mitchell Don Petrie Arnold Picker Peter Brink

From: Date:

Peter Brink February 11, 1972

4. Tell Eliot to cut the scheduling payroll by 25% (exclusive of Eliot). Also tell him the Speakers Bureau travel budget has been cut to \$9,000 for the period February 1 to May 6.

 Tell Mike Casey that Robin must be dropped and discuss with Mike retention of Doreen in Washington.

Also tell him that budget for rallies is cut to \$50,000 (including Florida train) for period February 1 to May 6.

- 6. Tell Tony Lake that he has no secretarial slot.
- Tell John McEvoy that there are no further speechwriting slots and, if ESM agrees, that all salaries on Hill must be reduced by 10% (exclusive of staff earning \$100 or less per week).
- Tell Dick Stewart to cut 20% of payroll of press section (exclusive of Stewart, Deputy Press Secretary and Steve Muskie).
- Tell Barbara Coleman to cut two boiler room
   members in addition to planned termination of
   O'Leary.
- Tell Jack that he will share Kathy rather than replace Boyette.
- 11. Tell Ann Wexler that we cannot hire Norling but that she will have the use of four coordinators from California. Tell her that we must take Sheppie and Page off payroll and that we cannot provide any additional personnel for the functioning committees. Tell her that (exclusive of herself, Kirk, Pam and Sandy Moulton) she is allowed \$10,000 on the national payroll from February 1 to May 6 for

additional convention state organizers. This \$10,000 includes salaries for Youth Coalition which is placed under Wexler's direction. Also tell Lanny Davis that YCM is now under Wexler and she will determine payroll allocations.

12. Tell Mary Hoyt that we cannot provide a secretary for her and that the travel budget for Jane Muskie has been reduced to \$16,000 for February 1 through May 6.

# IV. Jack English

- Explain to Cynthia Johnston that she has been removed from national payroll as of February 15, with possibility that Pennsylvania organization may pick her up.
- Explain to Ken Horn that Oregon is self-funding until May.

## V. Peter Brink

- 1. Switch Understein to voluntary arrangement.
- 2. Terminate Eastman.
- 3. Deny secretary for Eastman.
- 4. Cut payroll of operations sections A E by 10%.
- Reduce mailroom by one person and remove slot for additional robot operator.
- 6. Tell Navarro to cut Polling payroll by \$2,500 for the period February 1 to May 6.
- 7. March 15 terminate Bud Chiles.
  - 8. Terminate Johnston as of February 15.
  - 9. Terminate Pavlot in Direct Mail.
- 10. Exempt Coutts from any salary cut.

- 11. Arrange termination of health insurance.
- Arrange liquidated damages with law firm at L Street and settle with landlord of 7th floor.
- 13. Direct Wolff to pick up typewriters as they become available and return to IBM and to freeze phone service once existing orders are filled.
- 14. Cut office equipment purchases to \$1,500 maximum.
- 15. Eliminate all telephone credit cards.
- 16. Assist Petrie in terminating existing ad agency arrangement, obtaining status report, and insuring that no further expenditures are committed without specific approval. Try to obtain help from Isidore on newspaper ads.
  - Assist Petrie in arranging deal with Cummings and submit production plan to Mitchell.
- 17. Reduce Direct Mail direct cost to \$30,000 for period February 1 to May 6.
- 18. Draft necessary memos for Bernhard/Mitchell to explain:
  - \$25 maximum travel expense (exclusive of air fare and other long range travel) for travel separate from ESM.
  - \$10 maximum expense for travel with ESM (exclusive of hotel room).
  - Explain termination of telephone credit cards and non-acceptance of third party charges to headquarters number; explain reimbursement of charges to personal credit cards or numbers.
  - Explain to political coordinators details of self-funding arrangement.
  - Work out system for enforcing budget limit (plus air fare) on political travel and other categories.

#### MEMORANDUM

TO:

Arnold Picker

FROM: Don Petrie

DATE:

February 18, 1972

The purpose of this memorandum is to record a portion of our discussion in your office Tuesday, concerning weekly cash flow.

At the present time we are planning to spend through May 6, a sum exceeding our cash on hand plus the amount we plan to collect. We recognize that under the circumstances any attempt to "budget" in the ordinary sense is idle.

What we will attempt to do is to keep as close track as possible of income and outgo so as to be able to have some warning as to when expenses will exceed resources.

For this purpose we will have a weekly review as follows:

- 1. First thing on Monday morning of each week Peter, Lloyd and I will review cash on hand and the week's commitments which have been authorized by George and Berl. We will do our best to time those commitments over the five business days.
- 2. The three of us will then meet with Dick Kline around lunch time to review his best estimate of receipts which can be anticipated during the week similarly timed.
- 3. We will then review the situation as it appears from this data with whichever of Berl or George is in the office on that day.

A I "

4. Either Peter, Dick or I will subsequently report to you by telephone.

This is the system we are presently following and it will hopefully give us a couple of weeks visibility ahead when it is a little better perfected.

cc:

Berl Bernhard Peter Brink Lloyd DeVos George Mitchell Dick Kline

March 14, 1972

#### FOUR WEEKS ENDED APRIL 8, 1972

## ( 000s omitted )

\$475 -175	Total Resources Payables
300	
<del>- 5</del> -295	Illinois
<del>-</del> 5	Conventions including travel
-200	Wisconsin (a reduction of \$100,000 below budget)
90	First payroll (week of Marchl@)
40 -10	Second payroll (week of March26)
30 -6	Postago
24	Postage
$\frac{-10}{14}$	Advance and rally
_ 4 /	All staff travel
10	Balance to covor contingencies for four weeks

MEMO: The forgoing budget makes no provision for any of the following activities or functions:

Function	expense for period (est.)
Funding for Ohio	\$230
Operation of Electra	30
Separate JM travel	<b>5</b>
Speakers bureau	<b>5</b> .
Campaign materials	10
Polling	<b>5</b> ·
Media production for Ohio,	Mass., Pa.

To: Berl Bernhard

March 14, 1972

From: Peter Brink
Donald Petrie

Allocation of \$10,000 for Second Payroll due Week of March 26

We recommend that all employees at K
Street be advised upon receiving their paychecks
tomorrow for the first half of March that no payroll
will be paid for the second half of March.
We will pay for that period, however, the following
items:

- 1. Health insurance of staff members for whom we have been with-holding premiums so as not to interrupt their coverage: estimated cost \$2,000.
- Minimum hardship payments to about 35 ministerial employees. A list of recommended payments is attached/ estimated cost #8,400.

We also recommend advising all employees tomorrow that decisions regarding periods after March will be settled in the next week and communicated to them.

#### MEMORANDUM

TO: Berl Bernhard

DATE: March 20, 1972

George Mitchell

Bob Squier

FROM: Peter Brink

RE: Media: Budget and Actual Expenditures for

February and March 1/

(Exclusive of Time Buys and Communications Company Contract)

### I. Time Buying Operations.

Budget.

2 Months x \$11,400 =

\$22,800

#### Actual Expenditures.

Ruth Jones

6 Weeks x 
$$2,100$$
 =  $$12,600$   
2 Weeks x  $2,500$  =  $$5,000$   
 $$17,600$ 

Vitt Media

Tota1

31,459

Excess of Actual Expenditures Over Budget

\$ 8,659

Excludes costs directly related to announcement TV/radio programs.

<sup>2/</sup> Includes \$1,000 phone deposit to be returned to us at end of time buying operation.

Page 2.

To: Berl Bernhard

George Mitchell

Bob Squier

From: Peter Brink Date: March 20, 1972

\_\_\_\_\_\_

#### II. Schwartz and Medion.

Schwartz:

\$50,000 contract payment due February, March

April, May, June in \$10,000 installments.

\$20,000 paid through March.

Apparently all services will have been completed by end of March with \$30,000 to be paid through

June.

Medion:

\$105,000 contract.

\$60,000 paid to date.

\$25,000 currently due is being postponed week

by week.

\$20,000 to be paid later.

Apparently all services now completed.

#### Summary:

Accrued expenses during February and March = \$155,000 Actual expenditures made to date = 80,000

Amount Owing

\$ 85,000

MARCH 28, 1972

MEMORANDUM

TO:

Berl Bernhard

George Mitchell

Bob Squier

FROM:

Peter Brink

SUBJECT:

Media: Update of budget/actual for February - March

The comparison of budget and actual expenditures for media production during February and March which was sent to you on March 20 indicated that expenditures exceeded budget by \$24,288.00.

Additional bills received from Logos today indicate that as of March 24 Logos expenditures have now increased by \$11,406.00 over the \$30,000.00 estimated previously.

This means that thusfar actual expenditures are now exceeding budget by \$24,288.00 plus \$11,406.00, for a total excess of \$35,694.00.

# MEMORANDUM

TO: Entire Staff FROM: Berl Bernhard

DATE: March 28, 1972

RE: Financial Expenditures and Commitments.

Effective today no financial expenditures, and no commitments for future expenditures, aggregating \$500 or more are to be made on behalf of the national campaign without my approval.

Requests for approval may be made to me in writing, by phone, or in person. No request shall be entertained by me, however, unless prior consultation has taken place with Peter Brink so that, before my decision is made, he may advise me on the budget effect of the request.

This memo in no way alters my memo of March 24 requiring approval by me of all staff travel regardless of cost.

MARCH 29, 1972

MEMORANDUM

TO:

Berl Bernhard George Mitchell

FROM:

Peter Brin

SUBJECT:

Questions Regarding State - National Division of

Functions

Decisions need to be made as to whether the national headquarters is to continue performing many of its existing functions, or whether each self-funding primary organization will perform the functions in its respective state. This memo simply attempts to point out several of the functions about which decisions are necessary.

- I. Media Production As you know substantial funds have been expended to Medion, Schwartz, and Logos for media production. Should the national continue to produce new material for TV/radio, or should the state supplement the national's existing material thru their own production arrangements? If the latter alternative is chosen, should the national retain the full or part-time services of the Communications Company either to advise on the states' media production or to assist the Senator in appearances on free TV time?
- II. Time Buying The national currently utilizes a central time buying operation ... at a cost of \$4,000.00 per week. Should the national continue this arrangement? Should primary organizations reimbursement the national for pro-rato shares of time-buying costs? Can the amount of radio time bought be reduced substantially so that staff back up for Ruth Jones can be reduced, at a savings of \$750.00 per week?
- III. Mass Political Mailings The national currently provides two staff members who in coordination with the state political coordinators, design and implement mass political mailings. Should the national continue this function or should each state organization make its own arrangements?
- IV. Polling Should the national continue to design, contract for, interpret and fund all public opinion polls performed in the states? If each state organization is to average and fund its own polls, should the national provide any staff to attempt to insure uniformity or to interpret results?
- V. Advance and Rallies Should the national shift control of these functions to the states? Can the national retain control if it requires the state organizations to fund these functions?
- VI. ESM Travel Can the national arrange for the state organizations to pay for room and board pertaining to the Senator's travel? Can special charters of planes and buses be charged to the states?
- VII. Separate Jane Muskie Travel Can this be paid for by state organizations?
  - VIII. Secondary Speakers Chargeable to the state organizations?

#### MEMORANDUM

OT: Berl Bernhard FROM:

Dick Kline

Ed Campbell George Mitchell Bob Nelson

RE: Convention Expenses DATE:

June 19, 1972

The following guidelines will apply for expenses of all staff and political coordinators who go to Miami on our behalf:

- 1. We will pay \$146 per person round-trip fare from Washington to Miami for those staff and political coordinators who cannot pay their own air fare.
- 2. We will pay rooms at the Americana on a two person per room basis for those staff and coordinators who cannot pay for their hotel rooms. Please let me know what coordinators fall in that gategory and also what coordinators will be paying their own bills for whom we can assign a single room.
- 3. For those coordinators who cannot pay their own living expenses, we will pay each of them \$15 per day -- the money to be given them either prior to departure or upon their arrival in Miami. This is to include all of their out-of-pocket costs. We will have approximately 15 cars available for their use in Miami at no charge to them.
- 4. No meals or long distance telephone calls are to be charged on the Americana bill, under the arrangements we have made with the hotel. Coordinators should charge long distance calls to their home telephone bills, and we will reimburse them following their submission of the bills after the Convention.
- 5. No staff or coordinators should be authorized to any commitment or expenditure of funds without prior approval from me. In virtually all of these cases, I will provide the coordinator with funds so that the bills can be covered at the time of authorization.
  - 6. Everyone is allowed to swim free in the ocean.

#### **EXHIBIT No. 244-3**

City of Washington,	)	ss:
District of Columbia	)	. 69

My name is Patricia Whiteaker. I have been employed as book-keeper for the Muskie Campaign at the National Headquarters in Washington,
D. C. since January 1972. Recently, I was asked to review the accounts of
the Muskie Campaign Committee which were in the possession of the headquarters.
Accordingly, I reviewed the accounts commencing January 1971 to date.
Based upon this review, it is my information and belief that in no one month
during the period from January 1971 through the Convention of 1972 did the
Campaign of Senator Muskie finish the month with money which was not exceeded
by outstanding commitments. The Campaign was continuously in debt; and,
by the end of the campaign, the debts totalled approximately \$200,000.00 and the debt would have been higher had not negotiations to settle debts been
commenced in the spring of 1972. At the present time, it is my information
and belief that the Campaign is in debt for less than \$20,000.00.

Attached herewith is a summary of my calculations for the accounts of each month during 1971 and 1972. This summary supports my conclusion that the Muskie Campaign continually showed a monthly deficit throughout that period.

Patricia Whiteaker
Patricia Whiteaker

Patricia Whiteaker, being duly sworn, on her oath says that she has read the foregoing statement and the accompanying data; that, as to the matters

and facts stated therein to be true, the same are true; and that, as to the matters and facts stated therein upon information and belief, the same are true as affiant is informed and verily believes.

Subscribed and sworn to before me this twenty-sixth day of October, 1973.

Notary Public

My Commission expires: My Commission Expires August 14, 1974

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# Ехнівіт No. 244-4

	lumber of employees	Classification	
971:			
January	44	Salaried and fees.	
February	54	Do.	
March April	55 56	Do. Do.	
May	56	Do.	
June	56	Do.	
July	48	Do.	
August September	55 71	Do. Do.	
October	81	Salaried, fees, weeklys.	
November	96	Do.	
December	106	Do.	
Amount expended f	or sala	ries and fees	
Month:			
January 15			
January 29			-,
February 12			,
February 26			
March 15			23, 417. 09
March 29			
April 14	~~		22, 079. 42
April 29			
May 13			
May 27			
June 15			
June 30			
July 14			
July 29			
August 12			
August 30			
September 15			
September 30			
October 15			
October 30			
November 15			_ 29, 357. 6
November 30			_ 30, 112. 4
December 15	<b>-</b>		_ 30, 921. 2
December 31	<b>-</b>		34, 464. 4
Notes		Dates	Action take
Staff cuts		June 15, 1971	10.00
Salary cutsVarious increases		1971	10 to 1 10 and 1
Month and day		Number of employees	Classificatio
1972:			
January		116	Pays.
February		126	Do.
Mar. 15			Do. Do.
			1113
Mar. 30		37	
		37	Do. Do.

## Payroll

1 69,000	
Date:	
January 13, 1972	\$30, 784, 49
January 27, 1972	
February 15, 1972	39, 937, 19
February 28, 1972	
March 15, 1972	
March 30, 1972	
April 15, 1972	5, 359. 23
April 30, 1972	43, 150. 37

# Reductions in Staff and Pay:

Date:	Action taken
Feb. 29	5 pay cuts.
Mar. 15	14 staff cuts.
Mar. 15	29 staff cuts. 1 pay cut.
Mar. 30	23 pay reductions (out of 33).
Apr. 12	
	23 pay reductions (maintained). 3 staff cuts.
Apr. 20	70 staff cuts.
•	31 pay reductions (further).
May 31	8 staff cuts.

Notes: Muskie Convention Committee—June 1 through July 13 there were 12 paid staff.

**EXHIBIT No. 244-5** 

October 5, 1972

4117 Leland Street

Chevy Chase, Maryland 20015

Mr Berl Bernhard

1660 L St., N.W.

Washington, D.C.

Dear Berl:

The best record of contributors that I have knowledge of is on a magnetic tape of contributors that was created on March 27, 1972. It was to include all contributors of less than \$1,000 as of March 15, 1972.

This tape consists mainly of direct mail contributors, but also contains names of those who had contributed less than \$1,000 to non direct mail fund raising efforts. Each contributor listed has a code describing the list or event that was the vehicle for requesting the contribution. Each record also shows the amount contributed.

The tape contains approximately 17,000 names and addresses and represents approximately \$251,000 in contributions. Senator Muskie's staff have had the only copy of this tape since the end of the campaign.

I hope that this information will be helpful.

Sincerely,

Robert F. Jones

# MUSKIE FOR PRESIDENT 1972 (202) USA-1972 or write 1972 K Street NW, Washington, D.C. 2000

SUBJECT: Direct Mail Final Report

TO: Bernhard/Mitchell/Kline

MAIL LIST	MATTED	COST	*QUARTITY MAILED	NO. OF RESPONSES	AMOUNT RECEIVED	<u> rrofit</u>
A	5/14/71	20,990	171,545	2212	42,296	21,306
В	7/15	3,769	39,000	720	15,553	11,734
C	8/26	3,667	48,644	1271	16,176	12,509
D	10/18	2,613	19,988	88	1,341	(1,272)
E	12/5	9,396	79,732	1634	41,594	32,198
. <b>₽</b> ?:	12/27 1/5/72	58,678	460,652	4922	117,039	58,361
s	4/19	2,947	23,721	1222	26,882	23,229
TOTAL		102,060	843,282	12069	260,881	159,115

\$2.55 received por each \$1.00 invested

TV Announcement 1/4/72

2132

23,610

# MUSKIE FOR FRESIDENT 1972 (202) USA - 1972 or write (202) USA - 1972 K Street NW, Washington, D.C. 20006

March 31, 1972

SUBJECT:			

TO:	Bernhard/	Mitchel:	1/Brink/	Kline
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MAIL LIST	DATE MAILED	COST	QUANTITY MAILED	NO. OF RESPONSES	AMOUNT RECEIVED	PROFIT
A	5/14/71	20,990	171,545	2212	42,296	21,306
В	7/15	3,769	39,000	718	15,518	11,749
C	8/26	3,667	48,644	1264	16,124	12,457
D	10/18	2,613	19,988	88	1,341	( 1,272)
E	12/5	9,396	79,732	1626	41,444	32,048
F	12/27 1/ 5/72	58,678	460,652	4670	111,603	52,925
TOTAL		99,113	819,561	10,556	228,326	129,213

OTHER

TV Announcement 1/4/72

2080 23,008

printed on 100% recycled paper ... to protect our environmen

January 13, 1972

### MEMORANDUM

TO:

Berl Bernhard

FROM:

Dick Kline

RE:

January to June Fundraising Schedule

Following is a rough estimate of when and where we are contemplating various major fundraising events—events producing \$50,000 to \$100,000 or more apiece between January 1 and the New York primary June 20.

The schedule takes into account what appear to be the places in which the Senator will be campaigning during the particular months.

#### JANUARY

New York-January 5, gross \$66,000

Maine—January 14, which will net approximately \$100,000 Ohio—January 17, meetings with large givers in Cleveland

and Columbus, which could produce \$50,000, but not necessary immediately

Philadelphia-January 20, a \$25,000 cocktail party

#### FEBRUARY

St. Louis—February 5, a dinner should produce in excess of \$100,000

New York—February 18 or 29, a \$100,000 affair shooting for \$100,000

California—February 20-21, affairs in Los Angeles and
San Francisco to produce a minimum of \$100,000

Connecticut—possible February 29, a \$1,000 per person reception shooting for \$100,000

#### MARCH

Detroit—an event to replace the cancelled December event, to produce an approximate \$50,000

Chicago—an event for the Illinois primary to produce something like \$100,000 if Geocaris feels the need for such an event

Miami-we should attempt a \$100 affair to produce a net \$50,000 if possible

Milwaukee—we should attempt \$100 affair to produce a net \$50,000 if possible

#### APRIL

Pittsburgh—we should try for something that will produce \$50,00 or more

Philadelphia—something to produce on the order of \$100,000

Scranton—we should try for something there because of Scranton's potential if we can

Washington, D.C.—April 17, should produce \$150,000

Boston—Something to produce \$50,000 or so to coincide with the Massachusetts primary

New York or Connecticut—if we are well enough organized, do something more here

Ohio-samething big to coincide with the primary, to

produce \$100,000

#### MAY

California—a series of events should be geared to produce \$200,000 or more Baltimore—an event for \$50,000 to \$100,000 prior to primary New Jersey—an event to produce \$50,000 or \$100,000 prior to the primary

#### JUNE

Chicago—an event to produce \$150,000 for national use, which Geocaris has already promised me

New York—something large that would coincide with the

New York primary

# 1971 - 1972

# FUNDRAISING EVENTS

1972		
Feb. 25	Tampa, Florida Receptions	\$ 20,000
Feb. 22	Los Angeles, California Dinner	125,000
Feb. 21	San Francisco, California Dinner	125,000
Feb. 5	St. Louis, Missouri Dinner	135,000
Jan. 20	Philadelphia, Pennsylvania Reception	25,000
Jan. 14	Portland, Maine Dinner	172,000
Jan. 8	Miami, Florida Reception	7,400
Jan. 7	Tampa, Florida Dinner	10,000
Jan. 5	New York, New York Dinner	57,000
1971		
Dec. 13	Washington, D. C. Dinner	21,500
Dec. 12	Atlanta, Georgia Brunch	8,400
Dec. 10	St. Petersburg, Florida Dinner	21,500
Dec. 9	Houston, Texas Reception	127,000

# 

Dec.	3	Detroit, Michigan Dinner (cancelled)	\$ 11,000
Nov.	29	Newark, New Jersey Reception	40,000
Nov.	23	Chicago, Illinois Dinner	45,000
Nov.	22	New York, New York Dinner	10,000
Nov.	19	Miami, Florida Dinner	18,000
Nov.	14	Boston, Massachusetts Reception	23,000
Oct.	29	New York, New York Dinner	18,000
Oct.	22	Orlando, Florida Luncheon	10,000
Oct.	21	Tampa, Florida Dinner	19,000
Oct.	15	Kansas City, Missouri Dinner	40,000
Oct.	9	Manchester, New Hampshire Reception	2,500
Oct.	8	Providence, Rhode Island Reception	18,000
Oct.	7	New York, New York Luncheon	25,000
Sept.	. 25	Chicago, Illinois Luncheon	35,000
Sept.	20	Chattanooga, Tennessee Reception	10,000
Sept.	. 19	Clearwater, Florida Reception	10,000
Sept.	9 /	Portland, Oregon Reception	5,750
Sept.	8	San Diego, California Reception	7,000
Sept.	7	Los Angeles, California Dinner	72,000

Sept. 6	San Jose, California Reception	\$	18,000
Aug. 10	Houston, Texas Reception		9,250
July 20	Washington, D. C. Dinner		500
June 25	Denver, Colorado Dinner		19,500
June 11	Boston, Massachusetts Luncheon		52,000
May 21	New York, New York Luncheon		10,000
May 6	Miami, Florida Dinner		11,500
May 8	Los Angeles, California Dinner		20,000
April 6	Philadelphia, Pennsylvania Dinner	v	3,000

Total Amount: Dinners \$ 954,500

Total Amount: Receptions \$ 463,300

\$ <u>1,417,800</u>

#### EXHIBIT No. 244-6

#### GENERAL GUIDELINES FOR HUSKIE FUNDRAISERS

This is a brief statement of guidelines for persons soliciting contributions in support of Senator Luskie for the Presidency. It should be noted that the guidelines are very general and are not meant to be considered comprehensive rules for a person establishing or operating a political committee. As such, these guidelines reflect federal legal requirements only. State law requirements should also be checked in particular cases.

The guidelines do not deal with provisions of election reform bills presently pending in Congress. If one or more of the pending bills should be enacted, subsequent guidelines will be issued. It is possible, however, to state at this time that the terms of laws passed after the date of these guidelines will not be retroactive. For example, if a future statute were to require public reporting of all contributions to an unannounced candidate prior to the convention, it would not apply to contributions received before the law was enacted.

It is imperative, of course, that all persons soliciting contributions in support of Senator Muskie adhere strictly to all legal requirements, federal, state and local. Not only the letter of the law should be observed, but the spirit as well. Any fundraising method or technique which is questionable under any law must be avoided.

The purpose of these guidelines is to facilitate an understanding of the more complex areas of the law. The guidelines do not attempt to delineate easily recognizable forms of illegal conduct such as promising political appointments in return for political or financial support.

I. No contributions whatsoever should be accepted on behalf of Senator Muskie or any committee supporting his candidacy from any corporation, labor organization, federal bank or state bank. Such contributions should be

rejected even if made as a loan by a bank and even if the loan is made in the ordinary course of business by a bank. Contributions in the form of goods, services or loans from any of the proscribed sources must also be rejected.

This prohibition does not apply to contributions ---

- --by partmerships or unincorporated associations,
- --by individuals even though they are officers or employees of a corporation, labor organization or bank,
- --by funds composed of voluntary contributions of union members or corporate employees.
- II. No individual may contribute in excess of \$5,000 in aggregate during any calendar year to the same political committee or directly to a single candidate. A husband and wife (or anisother non-minor member of a family), however, may each contribute \$5,000 during a calendar year to the same committee.

The practice to date of both political parties recognizes that an individual may contribute \$5,000 to each of several political committees. The committees receiving the \$5,000 contributions may direct their full efforts toward gaining the nomination for a single Presidential aspirant, but it is expected that they will maintain autonomy in doing so. Committees supporting Senator Buskie must be certain that their operations in this regard comply with all pertinent laws in every respect.

The term "contribution" includes all of the following: gift, subscription, loan, advance, payment, distribution, or deposit of money or anything of value.

- 3 ~

- III. Information regarding the names of various committees can be obtained from Richard Kline.
- IV. Federal law does not require that contributions made prior to the nomination be reported publicly. A political committee does not have to report (to the Clerk of the House of Representatives or elsewhere) contributions made to it prior to the nominating convention so long as the contributions are accepted for the purpose of influencing the nomination and not the general election. Contributions prior to the nomination to committees supporting Senator huskie will not be reported publicly. All reporting requirements after the nomination will, of course, be complied with fully.
- V. Persons soliciting contributions in support of Senator huskie should avoid giving tax advice to potential or actual contributors. Nonetheless, the tax ramifications of such a contribution can be outlined in general terms.

Contributions made by individuals, partnerships, or unincorporated associations are not deductible, as business expenses or otherwise, for income tax purposes.

The gift tax consequences of contributions to political candidates or parties are more complex. Generally, political contributions are in the nature of gifts, and they are subject to a federal gift tax. Thus, any individual who makes a contribution in excess of \$3,000 in any calendar year to a single committee, or directly to the candidate, must file a federal gift tax return, Form 709. The contributor is liable for a gift tax to the extent that such a contribution is in excess of \$3,000 unless he elects to apply the excess amount against his \$30,000 lifetime specific exemption for federal gift tax.

Contributions made by a husband or wife are considered as made one half by each spouse. In such a situation a gift

- 4 -

of \$6,000 can be made without any portion of the gift being applied against the specific exemption, but separate checks by the husband and wife of not more than \$3,000 each should be used to avoid the necessity of filing a Form 709.

The practice generally followed by individuals is to treat contributions to separate political committees as separate gifts and to claim a \$3,000 gift exemption with respect to gifts to each such committee. This is done even though the separate committees independently choose to utilize their funds in support of a single candidate.

VI. Questions regarding Huskie fundraising should be directed to.

IIr. Richard Kline
Muskie Election Committee
1660 L Street, N. W.
Washington, D. C. 20036
202-833-3850



MEMORANDUM

TO:

All Persons Handling

DATE: April 10, 1970

Contributions

FROM:

Robert L. Nelson

SUBJECT:

Contributions

To insure appropriate control of all contributions, they must be forwarded to 1660  $^{\prime\prime} L^{\prime\prime}$  Street, N.W., where they will be processed.

Acknowledgements are to be sent by Senator Muskie and Mr. Semer to each contributor. Form letters will be used in most cases. However, in the event of large contributions directly attributed to the efforts of one person, that person will acknowledge the contribution with an originally worded letter. The check and draft of the acknowledgement for the Senator's signature will then be sent to 1660 "L" Street, N.W., Washington, D.C. Letters for Senator Muskie's signature will be typed up in this office and forwarded to the hill for signature and mailing, along with the original letters from contributors. Contributors' letters must be returned to this office for filing. Mr. Semer's acknowledgements will be handled in his office, the "L" Street office receiving a copy of each acknowledgement for its files.

Contributions in excess of \$100.00 and those not from individuals will be noted in a memo which will be circulated to Messrs. Semer, Nicoll, Bernhard and Nelson prior to deposit.

The main objective is to insure that all contributions are approved and properly acknowledged.

RLN/sal

## Attachment 4

MONTIMER K. CAPLIN DOUGLAS D. DRYSDALE ROBEIT A. LEAVIAN FLAVIAN THOMAS A. TROYER INVING SALEM STANFORD G. ROSE SALEM SA

LAW OFFICES

CAPLIN & DRYSDALE
1101 SEVENTEENTH STREET, N. W.
WASHINGTON, D. C. 80036

TEL (202) 293-3900

OF COURSEL BOBERT H. ELLIOTT, JR.

October 27, 1971

Mr. Peter Brink Muskie Election Committee 1660 L Street, N.W. Washington, D. C. 20036

Dear Mr. Brink:

In accordance with your request, we have reviewed the memorandum entitled "General Guidelines For Muskie Fundraisers," which we enclose bearing the date October 27, 1971. It is our view that these guidelines accurately reflect the present law and practice.

Sincerely yours,

Mortimer M. Caplin

Enclosure

Mind Mind E

ERNST & ERNST

June 10, 1971

AnneyPula Bool France

Mr. Eliot Robinson Bichops Lane Ningham, Massachusetts 02043

Dear Mr. Robinson:

At your request, we have reviewed the tax considerations of making political contributions with gifts of appreciated property to a political party, political committee or politician.

Generally, there should be no income tax incurred in the making of a political contribution to a non-related individual or political party. The Internal Revenue Service has reled that a political campaign gift received by an individual or by a political organization is not taxable income to the recipient except to the extent that it is diverted from political campaign purposes to the personal use of the candidate or other individual. Conversely, the down will receive no income tax deduction for his contribution. (Revenue Ruling 54-20).

The use of a "bargain sale" arrangement, in which the donor salls appreciated property to the political organization for an amount less then its fair market value, should cause no different income tax result than previously stated. Clearly, the donor is not assigning earned income in the form of appreciated value because there is no warranty that such appreciation would be realized had the taxpayer retained the property. An analogy can be made to the situation in which the taxpayers, under prior law, were able to sell appreciated property to a recognized public charity for their basis (cost) in the property and obtain a charitable deduction for the full fair market value of the property at the date of the sale. In order to contravene this tax advantage, the Internal Revenue Service had to seek and win legislative approval through a statutory amendment incorporated into the Tax Reform Act of 1969.

There presently exists no statutory provision, or any legislative proposal which would treat all or a portion of the appreciation as taxable income to the donor in the instance of a legitimate political contribution. Naturally, the gift of any property being used in a trade or business which was the subject of the investment credit will trigger the investment credit recapture rules. However, such a gift would not initiate the Section 1245 (personal property) and Section 1250 (real property) recapture rules.

ERNST &"ERUST

Mr. E. Robinson

-2-

June 10, 1971

Internal Revenue Code Section 2501, provides a tax on the transfer of property by gift during a calendar year by any individual resident or non-resident. The gift tax is generally imposed when property is transferred for less than an adequate and full consideration in money or money's worth. The amount by which the fair value of the property exceeds the consideration is deemed a gift and is includible in computing the amount of taxable gifts made during the year.

Although there are national elections every two years, the Internal Revenue Service has never dealt with the status of a political committee as a donce of a gift. Commencators and text writers have only given brief consideration to the gift tax question when discussing the overall tax consequences of political giving and receiving. Therefore, the relationship of political contributions to the gift tax statute is largely an unchartered area of the tax law.

However the Internal Revenue Service has ruled that any individual who makes a contribution or gift in excess of \$3,000 in any one calendar quarter (formerly calendar year) to a political party or to a candidate for public office must file a Federal Gift Tax Return. The Service further stated that it the gift splitting provisions which allow contributions or gifts made by a husband or wife to a third party, to be treated as if made one half by each spouse, will apply if the stipulations of the Code are met. In order to comply with the Code requirements, (a) each spouse must be a citizen of the United States at the time of the gift (b) the parties must be married at the date of the gift and throughout the remainder of the calendar year and (c) a timely consent to the gift splitting provisions must be made in the respective gift tax returns of the husband and wife.

The Code (Section 2503(b)) provides an annual exclusion of \$3,000 per donce, in the case of gifts (other than gifts of future interest in property) made to any person by the donor during the calendar year. No definition of the term person is made in the gift tax regulations. The general definitional provisions of the Code, define the term "person" as including a "committee". Some further authority does exist which supports the proposition that a "political committee" is a "person" for purposes of the Internal Revenue Code. Political committees as contrasted to parties are considered "taxpayers" for the purpose of federal employment taxes. Thus, since the government has already recognized political committees as "taxpayers" and because one must first be a "person" in order to be a "taxpayer", it is a short step to the conclusion that a political committee is a "person" for tax purposes.

A "present interest" that qualifies for the \$3,000 annual gift tax exclusion is defined in the Treasury regulations as an unrestricted right to immediate use, possession or enjoyment of the property. Monies received by a political committee are generally subject to expenditure immediately for the

ERNST & CRNST

Mr. E. Robinson

-3-

June 10, 1971

direct benefit of the candidate or for indirect support, such as by funding of local or state delegates or candidates whose support may later prove fruitful. Because the donation is to the candidate's committee rather than to him, and because the committee has the immediate right to use the donation, it would appear that a gift to a political committee would constitute a gift of present interest.

Thus, property worth \$6,000 more than the consideration received by the donor for the transferred property can be gifted in any one calendar year to a political committee without subjecting the donor to a gift tax, provided the gift splitting provisions are availed of. Gifts in excess of \$6,000 to a political committee would be subject to tax unless the donor had a sufficient amount of his \$30,000 lifetime exemption remaining to offset the taxable portion of the gift.

In addition, since political committees proliferate during election without challenge in order to bypass reporting and other requirements under federal law, it is conceivable that a series of small gifts (\$6,000 or less) to a series of political committees by an individual donor should abate any federal gift tax on the transfers. This however is an unlitigated conclusion which might not find support from the viewpoint of the Internal Revenue Service.

We trust the above discussion provides meaningful insight into the tax considerations of political contributions. If you have any questions we will be happy to discuss them at your convenience.

ry truly yours,

Manale Dane

AFB: IV

FEBRUARY 28, 1972.

Mr. Tadeusz Dziekanowski, Teddy and Alex Meats and Provisions, Inc., 219 Ferry St., Newark, N.J.

DEAR MR. DZIEKANOWSKI: I want to thank you for your kind contribution to Senator Muskie's campaign. It is deeply appreciated.

However, federal law prohibits us from accepting contributions from corporations. We would, therefore, appreciate greatly your replacing this corporate check with a personal check to avoid any possible question in this respect.

Again, may I convey Senator Muskie's sincere appreciation for your support

and assistance.

Sincerely.

RICHARD A. KLINE, National Finance Administrator.

The letter reproduced above was also sent to the following contributors on dates shown:

February 29, 1972

Mr. Joseph Di Gerlando, Inc. 1936 West Buffalo Avenue. Tampa, Fla. 33607

February 22, 1972

Mr. Stanley L. Cohen 633 N.E. 167th Street Suite 700

North Miami Beach, Fla. 33162

February 29, 1972

Mr. David Goldman Clearwater Golf-Park, Inc. P.O. Box 4627

Clearwater, Fla. March 14, 1972

Mr. Stanley Pacocha, Treasurer Polish Pulaski Club, Inc. 79 Maple Street Easthampton, Mass.

First "Canuck" letter - Manchester Union Leader, Feb. 24, 1972

Feb. 17, 1972 Deerfield Beach, Fla.

Mr. Loeb Manchester Guardian Manchester New Hampshire

Dear Mr. Loeb -

I saw you on TV the other night and my friends father gets your newspaper. We went to Ft. Lauderdale to meet Sen. Muskie - we were right beside him at Seed house when one of the men asked him what did he know about blacks and the problems with them - he didn't have any in Maine a man with the senator said. No blacks but we have Cannocks.

What did he mean? We asked - Mr. Muskie laughed and said come to New England and see. Could you right write me the answer or print it in you paper - my friend gets it from you - Thank you.

Paul Morrison Derrfield Beach, Fla. 33064

33.45

23rd Sept, 1972 Portland, maine

Manchester Union Leader Manchester, N.H. and THE Portland Press Herald Portland, Maine

Gentlemen; Last Fall I was approached by a manwho knew I was looking for work, he offered a job in florida, and said I could ride down with him. On the way he said that the job he had for me had been filled, but maybe he could find something for me to do. we stopped in West Palm Bch overnight, at the motel some friends of his came to visit, and one of them offered me \$2500 dollars to play a joke, i agreed, and that night was introduced to a lawyer from boston and a man called 'P' or Pete. Iwas to stay in an apartment they rented in Lauderdale. Imet with Pete and the lawyer twice, they outlined what i was to do. i was to take a taxi, and be friendly with the driver, so that he would remember me, and go to a drug correctional place called "the Seed", there i was to mix and talk with people so that they also would remember me, when Senator Muskie came I was to try and get in line with Muskie and the camera, so the news dept could prove i was there. I was given I thousand dollars, and told that i would get the rest at the finish of the job. Afew days later they came to talk and we went to a place in the town of Margate to eat. the lawyer got the phone book and picked out the name 'paul Morrison' to be used on the first letter to be mailed to Mr. Loeb . they also wrote out what I was to say in my letter to mr Loeb, i was to copy it on a typewriter. and mail it when i was told. During these meetings, there was some talk between the men, and some of it I remember. 'we have to head off Muskie or if he wins that means 1980 before THE MAN could get in' then Pete kept saying 'Mcgovern cant win, so it means THE MAN in 76. No name was ever mentioned it was always THE MAN.

I always had to go to the near shopping center for coffee every day at ten am,, Senator Muskie came to lauderdale and did go to The seed, i dont know how they know, but he went there, so did I . a few days later i met the lawyer, and he said mail the letter, the one i wrete, i did. he said that i wouldnt see him again, the money would be paid to me

after i returned to boston. That was the last time i saw him at the coffe shop. Isaw Petes picture in the paper, something to do with Mcgovern but i dodnt know who he was. when i came north i called the lawyer in Boston, he denyed having any money for me and said Clam up, or it will be the bay for you. i came to maine to tell Sen Muskie right in front of Mcgovern, but i was too scared, so i borrowed a typewriter and now i am all finished. it was a dirty trick. MrLeob has my signature on my other letter so you can be sure this is true.

Harold W. Eldredge

A TRUE COPY

### [From the Bangor Daily News, Sept. 27, 1972]

# DAMAGING "CANUCK" LETTER RECONSIDERED

### (By John S. Day)

MANCHESTER, N.H.—The Manchester Union Leader Monday launched an investigation to determine whether or not its so-called "Canuck" letters published last spring were an elaborate hoax, financed by politicians who wanted to "stop" Sen. Edmund S. Muskie's presidential bandwagon in New Hampshire.

According to Arthur Egan, the Union Leader's top investigative reporter, one of the key figures in last spring's "Canuck" affair wrote to publisher William Loeb Sept. 23 claiming that he was paid \$1,000 to make up the entire incident. The letter implies that supporters of Sen. Edward Kennedy, D.-Mass., and an aide now working for Sen. George S. McGovern were the brains behind the hoax.

The Union Leader, it should be pointed out, for years, has waged a political vendetta against Sen. Kennedy. Last summer the paper published a story claiming that Kennedy and his college roommate, Sen. John Tunney of California, wined and dined two young ladies in a boat off the Maine coast. That article was pretty well discredited by the national press.

According to Egan, who wrote that story, the newest "Canuck" letter was mailed to Loeb from Portland last Saturday by a man calling himself Harold E. Eldredge. He said a copy went to the Portland Press Herald. (A spokesman for the Press Herald said that newspaper has not received Eldredge's letter, but was told one might be forthcoming by Egan).

The letter, which Egan says will not be published by the Union Leader until "I can put my hands on (Eldredge)," tells an incredible tale rivaling even the Watergate affair in high political intrigue. If it's true, and there is no real proof it is at this point, the letter could turn out to be a political bombshell.

Eldredge, looking back at the New Hampshire primary, was one of two alleged participants in Sen. Muskie's conversation about blacks and "Canucks" at "The Seed," a Florida drug rehabilitation clinic.

A young man claiming to be Paul Morrison wrote to Loeb, detailing the conversation; Eldredge, supposedly a 76-year-old retired Cape Cod resident, wrote to Loeb confirming the remarks actually were made.

Loeb's publication of the letters, together with an unflattering profile of his wife, Jane, prodded Muskie to an emotional outburst which contributed to his loss in the New Hampshire primary.

The NEWS political column last Saturday, which is the same day Eldredge allegedly was inspired to make a "clean breast" of the hoax, replayed the entire "Canuck" affair and concluded that the Union Leader was never able to prove that either Morrison or Eldredge really existed. A reporter from the Union Leader, in fact, phoned the NEWS Monday to inquire if this paper had received a copy of Eldredge's letter. The answer was no.

This is what the controversial letter-writer wrote to William Loeb, as dictated

word for word, by Egan:

"Last (Spring) I was approached by a man who knew I was looking for work. He offered me a job in Florida and said I could ride down with him. On the way, he said the job he had for me had been filled, but maybe he could find something for me to do. We stopped in West Palm Beach overnight. At the motel some friends of his came to visit.

"One of them offered to pay me \$2,500 to play a joke. I agreed."

The letter continues:

"That was the night I was introduced to a lawyer from Boston called 'Pete.' I was to stay in an apartment they rented in Fort Lauderdale. I met with 'Pete' and the lawyer twice. They outlined what I was to do. I was to take a taxi and be friendly with the driver, so he would remember me, and go to the drug correctional place called 'The Seed.'

"There I was to mix and talk with people so that they would also remember me. When Senator Muskie came, I was to try to get in line with Muskie and the

camera so the news department could prove I was there.

"I was given one thousand dollars and told that I would get the rest at the finish of the job. A few days later they came to talk and we went to a place in the town of Margate to eat. The lawyer got out the phone book and picked out the name Paul Morrison . . . to be used in the first letter mailed to Mr. Loeb. They also wrote out what I was to say in my letter to Mr. Loeb. I was to copy it on a typewriter and mail it when I was told."

Eldredge, next gives his recollection of some political-type discussions he over-

heard during those meetings in Florida.

"There was some talk between the men and some of it I remember. 'We have to head off Muskie, or if he wins, that means 1980 before 'The Man' could get in! Then 'Pete' kept saying, 'McGovern can't win, so it means "'The Man" in 76'." "The Man", Egan feels, has to be Ted Kennedy, but he says "I'm not about

to get boxed in by printing that type of story.

"I smell something here," the Union Leader reporter stated, "and I am doubly suspicious on the heels of the Tunney thing." Egan said his newspaper is making every effort to track Eldredge down, despite some misgivings about the possibility of another hoax. Last spring the staff of the Union Leader called 51 town offices in Cape Cod in an effort to get a lead on the illusive letter writer. They came up with four Harold Eldredges, all about the right age, who for one reason or other moved away from Cape Cod.

Eldredge tells about his encounter with Muskie at 'The Seed' and his plan to

apologize to the Maine Senator two weeks ago in Portland.

"Sen. Muskie came to Lauderdale and did go to "The Seed," I don't know how they knew, but he went there (and) so did I. A few days later I met the lawyer, and he said mail the letter, the one I wrote. I did, (and) he said I wouldn't see him again. The money was to be paid to me after I returned to Boston. That was the last time I saw him, at the coffee shop, [copy illegible] paper, something to do with McGovern, but I don't know who he was. When I came north I called the lawyer in Boston, but he denied having any money for me and said 'clam up, or it will be the bay for you.

"I came to Maine to tell Sen. Muskie right in front of McGovern, but I was too scared. So I borrowed a typewriter and now I am all finished." (Muskie greeted McGovern at Portland International Airport Sept. 15).

Eldredge, or the clever person who is writing these letters, concludes:

"It was a dirty trick. Mr. Loeb has my signature on my other letter, so you can

be sure this time.'

Egan reported that there "seems to be some similarity" between the writing in the original "Canuck" letters and the one Eldredge allegedly mailed to the Union Leader last Saturday. Egan also reported that the Union Leader has checked with the Florida telephone company and confirmed that there are four 'Paul Morrisons' in the Margate directory. There is no street address on Eldredge's Portland letter.

That's where the investigation stands at this point, which is about the same situation as it was last February, when the Union Leader printed sensational allegations against Sen. Muskie—without any concrete proof that the charges were true, or were merely a figment of a clever letter writer's imagination.

[From the Evans and Novak column in the Washington Post, Dec. 12, 1971]

#### Muskie's "Gold"

Sen. Edmund S. Muskie's campaign strategists, eyeing anti-poverty tax sentiment in California, are considering government-financed Senate hearings on tax problems there to boost the Muskie-for-President campaign.

Specifically, they are discussing the prospect of the Senate Intergovernmental Relations Subcommittee, headed by Muskie, conducting hearings on property taxes during a scheduled Muskie campaign visit to California Dec. 20 and 21.

The timing is crucial, points out a confidential intra-office memorandum by Anna Navarro, who runs public opinion analysis for the Muskie campaign, and Dan Lewis, a Muskie Senate staffer. After Muskie formally announces his candidacy on Jan. 4, the subcommittee hearings would be embarrassingly suspect. Only up until that date, says the Navarro-Lewis memo, can the proposed hearings "take advantage of free TV time before it is too late."

The purely political motive of the hearings shines like gold, based squarely on the results of Miss Navarro's poll in California. "... Reading over the open-ended responses (by voters polled) ... makes it apparent that property taxes are all important in this crucial state," says the memo. "... Capturing the issue is worth a gold-mine to any candidate."

Miss Navarro and Lewis proposed that the Senate hearings be staged as a TV spectacular, master-minded by Robert Squier, Muskie's resident media expert. They add: "Squier agrees that it would be a brilliant visual event, particularly if we can dramatize the effects of the property tax on elderly homeowners and school children in poor neighborhoods."

Nor do the Muskie staffers think in strictly parochial terms of California. "... Capturing the property tax issue would be great in places other than California," the memo advises George Mitchell, Muskie's top political operative. "Think of all the schools that have closed in the last two years because citizens refused to tax themselves anymore."

[From the New York Times, Dec. 19, 1971]

A REPUBLICAN "SPY" IN MUSKIE'S RANKS IS UNMASKED AND SENT OUT INTO THE COLD

# (By James M. Naughton)

Washington, Dec. 18.—Despite her \$25 contribution to the unannounced Democratic Presidential campaign of Senator Edmund S. Muskie and her handwritten note to the Muskie headquarters offering advice on tactics to turn President Nixon out of office, Diane V. Moore has been summarily removed from the Muskie mailing list.

The reason is that she works for the Republican National Committee.

Miss Moore, a 24-year-old researcher for the G.O.P., will not discuss it, and her boss in party headquarters will not admit it, but she is the individual who has come to be known by the Muskie staff as the "Republican spy." In her own office they prefer the title of "Muskie specialist."

The Republicans, waist high in campaign cash and knee deep in personnel, have set up a task force to monitor, categorize and computerize virtually everything that is said and done by Mr. Nixon's potential Democratic opponents.

#### DOING RESEARCH

Taking her assignment to heart, Miss Moore dropped in at Senator Muskie's campaign headquarters in Washington in September, declaring that she was a graduate student doing research in political science. She asked to be put on a mailing list, composed mostly of journalists, so that she could receive all of the Senator's speeches, statements and campaign schedules.

Miss Moore wrote out a check for \$25, ostensibly to help defray the mailing costs, and promised to send in more money. On Sept. 13, Mr. Muskie sent her a standard "thank-you" letter, pledging to do "everything I can to merit your

continuing support."

Two weeks ago, Miss Moore sent a Muskie aide a note on her personal stationery to say that, "after reviewing my finances, I'm afraid I'll have to wait until after Christmas" to make another contribution.

In the note she offered to donate some time as a Muskie volunteer, congratulated the Democrat's staff on its efficiency and professionalism and offered a few "random thoughts and suggestions" for the candidacy.

# TWO BIRDS, ONE STONE

The Senator could "kill two birds with one stone"—raising money and attracting young voters—by organizing a "Muskie army" on the campuses across the nation, providing "goodies like a newsletter" in exchange for \$1 donations, Miss Moore proposed.

She encouraged the Senator to hold campus question and answer sessions "as much as possible." And, saying that it might seem "odd coming from a liberal student," she urged Mr. Muskie to "disassociate himself more" from the New Left and campaign as a centrist, because "kids respect guys who make up their own minds."

Closing the note, she wrote, "Good luck in the campaign,"

Two days later, an article appeared in a Washington newspaper discribing the "opposition research" program at Republican headquarters and noting, without naming her, that a young woman kept as close track of the Muskie effort as did the Senator's press secretary, Richard Stewart.

# "WHAT CAN I SAY"

The Muskie staff went over its mailing list to try to determine who she was. Sylvia Ehrhardt, Mr. Stewart's administrative assistant, concluded that everyone seemed "legit" except Miss Moore. Another Muskie aide telephoned Republican headquarters, asked for Miss Moore and was advised that she would be in the office later.

Muskie headquarters destroyed the metal plate used to address mail to Miss Moore.

Asked to confirm her role as a sleuth, Miss Moore laughed and refused. "What can I say?" she said.

Robert O. Chase, her 26-year-old superior, said, "I just don't want to talk about

It could not be determined whether Miss Moore's contribution to Senator Muskie's campaign had come out of Republican National Committee funds.

Berl Bernhard

# CONFIDENTIAL

# MEMORANDUM

TO:

Senator Muskie

FROM:

Eliot R. Cutler

SUBI:

Attached Memorandum

DATE:

July 28, 1971

There are two copies of the attached memorandum on your schedule for the fall and the strategy behind it. The attached copy will be retained by you and I will retain the other one.

This has been reviewed by staff over a period of two weeks and on Friday, July 30th at 2:00 p.m., Berl Bernhard, Jack English, Bob Squier, Barbara Coleman, John McEvoy and myself will meet with you to discuss the contents of the memorandum and get your decision on it.

(The companion memorandum on issues and themes will be given to you at that time for your later review.)

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# I. INTRODUCTION

The four-month period between September and December, 1971 is a critical phase of the 1972 Presidential campaign and it should be viewed as a whole. It is more than the opening lap of a long race or the time when basic political organizing for 1972 moves into high gear. It is also the time when your base of support can be broadened and consolidated; when other candidates can be discouraged from making the race by your pre-primary show of strength; and when your inability to maintain that position could hurt your chances for nomination.

Your activity for these four months should reflect both strategic considerations for that particular period and a general strategy which will enable you to win the nomination, win the general election and govern the country. This memorandum outlines for your approval a schedule for the months of September through December which would begin to implement that strategy. After two weeks of discussion, the staff has agreed that the schedule outlined in this memorandum is the minimum, essential schedule for the fall.

This memorandum does not list all of the events, TV shows, meetings and speeches that will appear in the final daily schedules. Those decisions will be made by the staff as the fall progresses on the basis of the assumptions and strategies outlined here and in the companion "Issues and Themes" memorandum.

# II. THE CONTEXT OF THE SCHEDULE

Because it represents the use of your personal time and energy, your schedule is the key element in any campaign activity this fall. We can organize all the states and sign up hundreds and thousands of supporters, but if you don't participate -- if voters can't see you and hear you and touch you; or at least see other voters in their place, then, all the work in the world won't make any difference. Your schedule does not reflect all of the efforts being made on your behalf -- even all of the effort being made in connection with what does appear on your schedule, but it does give us the means of coordinating all of those efforts with the one essential element-- your time and participation. Little else in connection with any part of the campaign can proceed until your schedule is set. Although hundreds of hours of work before and after a fund-raiser will be necessary to make it a success, only a definite commitment of two hours of your time will make it possible to plan the event or raise any money. Likewise, delegates in most states will make no commitments until they have had an opportunity to meet and talk with you. And you will stay on top in the polls only if your recognition continues to increase and if people see you and hear you.

The schedule that is being proposed reflects both what we 'we don't know -- about the facts and about our political stra'

First, this schedule does reflect the general assumptions of your candidacy and their strategic implications. (See next section of this memorandum.) As it is refined, it will also reflect the companion memorandum on issues and themes. Second, this schedule reflects what we know of the facts and of our political strategy. We know, for example, a good deal about what primary states and what non-primary states are important. There are some primaries that are mandatory, and others that you virtually must enter even though they are optional by law (California and New Hampshire, for example). In light of that knowledge, we have proposed that a significant amount of time be devoted to several important primary states. As far as the non-primary states are concerned, we know that virtually no time will be available for those states between the New York primary (June 20, 1972) and the Convention (July 10, 1972). And, we know, to some extent, which of those states will be difficult and deserve attention this fall. We can make some assumptions about your opponents in various primary states (for example, Senator Jackson appears likely to challenge you in Florida). The state-bystate review in a later section of this memorandum contains some of those assumptions and their implications for your fall schedule.

Finally, this proposed schedule also reflects what we do not know. Who are the voters "on the left?" How will the young vote? What are your strengths and weaknesses? What are the most salient issues in the important states? How well are you doing in certain states? Because there is so much that we do not know, the proposed schedule is flexible in many respects. As we get more information from our polls and from our coordinators, the schedule will be refined and — if necessary — changed to reflect the new information.

As you know, polls are being conducted for us during the next five months in Florida, New Hampshire, California, Wisconsin and one state to be named. These polls are extremely important to making further refinements and necessary changes in the schedule. From them, we should get a clearer picture than we now have of the voters' attitudes towards you, other candidates and the issues.

That information, along with your decisions about themes and issues you emphasize in the campaign, will make it possible to schedule the right kinds of events with the right kinds of audiences in the states which you visit.

# III. PROPOSAL

There are 122 days between September 1st and December 31st, including weekends and holidays. We propose that you spend fifty-five of those days, (fourteen in September, fifteen in October, fourteen in November and twelve in December) campaigning outside Washington, D. C. During this time, we suggest that you visit thirty-two of the fifty states. (As far as the remaining eighteen states are concerned, it is unlikely that you will visit many of them either before or after the convention.)

Ample rest would be scheduled on the road. The use of a private jet or turbo-prop plane is assumed in this proposed schedule and substantial progress has been made toward meeting our requirements in this connection. We do not plan to have any marathon schedules. There will be a heavy emphasis on the use of the media, with a maximum of one media "event" per day.

If you accept our recommendation that you spent 55 days campaigning, 67 days will remain — to be divided between the other two major demands on your time; rest and recharging and Senate business. (Some of those days should be part of a ten-day vacation over the Christmas-New Year holidays.)

Although the purpose of this memorandum is to propose the minimum campaigning that is essential during these four months, we recognize that your acceptance of the proposed 55 campaign days raises the principal question: How are the remaining 67 days to be divided between rest, recharging and Senate business? We feel that sufficient rest is crucial, and we have considered the question of your attending to Senate duties. Three general suidelines are important:

- Your participation in Senate business should be limited to: (a) major speeches and proposals associated with the campaign; (b) the disposition of legislation which is your sole responsibility and which cannot be handled by Senate allies; and (c) absolutely essential roll calls. Your attendance in the Senate, to the extent that it is necessary, should be viewed in our strategy as part of your campaign.
- Your out-of-town schedule should, to the extent possible, make use of field hearings and other devices to create the appearance of attention to Senate

business.

- Your rest periods can be concentrated either during the middle of the week or on weekends. This choice represents two conflicting aims:
  - (a) Giving you the option of attending to important Senate duties by scheduling rest during the middle of the week; or,
  - (b) Maximizing out-of-town media possibilities by scheduling rest periods in Washington on the weekends, when media audiences are substantially lower.

As best we can, we will balance these aims by varying the rest schedule and retaining flexibility. (The possible adjournment by October 31 may result in greater flexibility in this respect for the November and December schedules.

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# FLEXIBILITY

This proposed schedule is flexible; only those days which are asterisked have been committed. It is important to retain that flexibility for several reasons:

- A. As a front-runner, you should retain more options than anyone else; that's part of the definition of your position. If and when you begin to lose those options, you probably will have begun to lose your position as front-runner as well. Furthermore, the more primary states are shored-up early, the more options you have -- for later scheduling and for later decisions about the primaries themselves. There are several ways in which the schedule should reflect this precept:
  - (1) You should come out of the corner fast in September -- building a momentum to which your opponents must react, instead of finding yourself forced to react to them. This way, even announcements of candidacy by your opponents which may precede yours will be seen as reactive. It is for this reason that the proposed schedule for September requires more days out of town than any other month. If followed, you will visit all areas of the country in the first push of the fall.
  - (2) As a corrolary to that rule, the schedule for November and December should be kept fairly open. There is a possibility that the Senate will recess early in that period. In addition, time should be available during these two months to attend to critical states, to put out fires, and to react to new information. (Some commitments

IV.

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# for these months can and should be made now, however.)

- B. Regardless of our present readings about the importance of various states or the strength of your various opponents, we must also assume that things will change. As state laws change, or as other candidates leave or enter the race, our strategy and the schedule will have to change. Furthermore, we must remain flexible to reflect new information and new perceptions about your strengths and weaknesses.
- C. The period immediately preceding the November 2nd elections has been left fairly open so that we can be flexible in responding to the requests for your time that are sure to come from candidates running in those races. For example, it would be to your advantage to campaign for Wendell Ford in the Kentucky gubernatorial contest if it appears that Ford may win.
- D. A flexible schedule will help us avoid even potentially nasty political situations. There are some we know about now (for instance, the mayoralty election in Philadelphia), but there are others that can develop almost overnight.
- E. Finally, a flexible schedule can help keep the opposition off balance. We should mask our intentions as far as primaries are concerned as best we can. To do this, we may deci de at some time this fall that a field hearing on the property tax in Gary, Indiana would be useful not incidentally keeping Senator Bayh and other candidates off balance as to our plans for the Indiana primary.

The schedule will also remain flexible with respect to each particular day. Although the schedule assigns each out-of-town day to a state, in many instances we have not made any final decisions concerning specific cities to visit in each state or specific events for the schedule. Before the staff makes final decisions on these matters, our in-state and out-state coordinators will be asked to come up with the best options. (We also expect that there will be times when the dates assigned to a particular state on the proposed

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schedule will not be satisfactory, and we anticipate having to make some changes.)

On the other hand, we cannot ask our state people to arrange successful fund-raisers, and we cannot lock-up the best media events or forums for speeches without sufficient lead time. This is the other side of the flexibility coin and this is why your commitment to the entire four-month schedule is necessary now. If any rational strategy or plan is to be followed, the whole four-month schedule must be taken as a piece. For example, the proposed schedule calls for at least seven days in California. For the seven days to be spent as profitably as they should, they ought to be seen as a mosaic and the planning for them should be done together. Otherwise, neither the staff here nor the California staff will have any idea what to expect in terms of your time this fall and the planning and use of whatever time becomes available is likely to be slipshod, inefficient and ineffective.

At this time, we are in a position to make the four-month commitment proposed in the schedule, while retaining the necessary flexibility.

CALCAL SESTEMBER OF BESTELLE DE STOUGH

# V. GENERAL ASSUMPTIONS OF THE MUSKIE CANDIDACY

The general schedule (and the specific events) discussed in other sections of this memorandum rest on a number of assumptions about the nature of the Muskie candidacy. Although to some degree, these assumptions state the obvious, they do recapitulate your staff's thinking in these areas, and they represent the criteria and guidelines we will use in refining the schedule.

## : Assumption I

You are and must remain a national candidate. A small regional gain may be recorded in New England (New Hampshire, Rhode Island, and Massachusetts) but your support extends over a broad spectrum of geography, demography and opinion. This is one of your most important strengths and we must constantly reinforce it. This assumption implies several considerations.

- You must enter and run well in a wide range
  of primaries. The number you actually enter
  and to which you devote significant personal
  attention is in the final analysis less important than their breadth. You must demonstrate
  your vote-getting abilities in states as diverse
  as New Hampshire, Florida, Wisconsin, Oregon
  Nebraska and California.
- 2. It is important for you to campaign and be visible nationally in order to maximize your standing in the Harris and Gallup polls. With respect to the polls pitting you against the President, it is especially important to maintain your strength among above-average income, suburban voters who may be registered as Democrats, Republicans or Independents, but who tend to switch from party to party in each election.

# Assumption II

The other Democratic candidates currently in the race will concentrate their political and financial resources in three or four states before Oregon and California. Each of them will try to find the combination of your weakness and their strength which will provide them with an early victory and build momentum. This means that even though you are the front runner (with all that implies), part of the battle-ground is going to be defined by other candidates and our versatility will be stretched. We will run fifty separate campaigns with changing ground rules and changing opponents. This necessitates (simultaneously) an ability to shift gears quickly. We will also have to develop ways to reinforce areas of strength with events in other areas of strength.

# Assumption III

You are now ahead, and our job is to keep you there. Considerable benefits accrue to you because you are the front-runner. We can develop our own schedule, choose our battlegrounds, and command attention in ways that are not available to other candidates. We must assume an aggressive scheduling policy to take full advantage of this fact. A front-runner can either look static with his eye toward maintaining his position, or use the position to gain in strength and preempt moves by other candidates. We should do both and try to make it look like the second. Some requirements of of this strategy are essential:

- We must maintain a steady momentum from the beginning, wearing down opponents in an Ohio State "four yards and cloud of dust" kind of campaign. This means planning the entire four month schedule leading into the primaries as a unit. It means retaining some flexibility in November and December so that momentum can be developed and reinforced in critical areas.
- 2. Only a broad base of support will support your position as front-runner and your image as a winner. And, the only way to develop this broad base is to identify you with as many different groups of people, their hopes and their needs, as possible. This required injecting both diversity and creativity into the schedule.

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It does not require, however, that meetings with youth, labor, Blacks, et. al. be repeated in each state. On the contrary, if the contacts are orchestrated correctly and receive adequate exposure, there will be a spillover effect from state to state and even nationally.

3. There are also times when the front-runner must accept schedule items which may appear reactive, but are actually protective. You must be prepared to put out fires -- to respond to challenges from either the right or the left, which threaten essential elements of the broad base of support.

### Assumption IV

All of your Senate votes and campaign speeches will not satisfy each of the many disparate factions within the Democratic Party. In the next year, we can assume that you will offend various groups within the Party on whom you depend for support. We assume this will not take on the proportions of voting "wrong" on a 14b or a civil rights bill or aid for Israel. Nevertheless, we must devote considerable attention to explaining effectively votes or speeches which run contrary to the leanings of your normal constituency. Our effectiveness in presenting the arguments for public actions is an important test of the viability of the campaign. Ed Muskie is a unifier because he listens, explains, and develops an underlying trust.

#### Assumption V

Shortage of time and the overwhelming challenge of the campaign dictate that all scheduling be oriented to national as well as local needs. This highlights the importance of the media in maintaining a strong showing in the national polls. There is no other way to reach people or to create the vital aura of excitement and momentum. Beyond that, efficient use of the media should focus national attention as often as possible on state and local

events, Ideally, each campaign day should have one major media "event". In this connection, we should have three related aims:

- We should increase your recognition factor especially among the normal Democratic constituent groups where you are weakest, by showing you to people through the use of television.
- We should identify you with the everyday concerns and problems of people by showing you with them -- with as many different groups as possible in as many different situations as possible.
- 3. The rule, to which there should be few exceptions, is that there should be only one media "event" per day in any one media market; we should make every attempt to avoid "stepping on our own story". (e.g., scheduling a press conference before or after a visit to a drug center or a major speech.)

We will use the media successfully only if there is extremely close cooperation between the communications, scheduling and advance sections of the campaign. The schedule for example, should pay almost as much attention to media markets as to states. When possible, we should avoid scheduling media events on the weekend since Saturday and Sunday are the lighest media days. (Until the Senate recesses, this will often conflict with the policy of resting during the week.) Without bending your style, your media scheduling should be creative, exploring the possibilities of symbolic communication, rather than shying away from them. (e.g., the voter registration walk in California.)

### Assumption VI

Your powers of communication make it possible to talk simultaneously with a wide variety of groups without soft-peddling the issues. This asset should allow the schedule to reflect the suggestion made in the memorandum on issues -- that you occasionally talk "against the grain" of a group.

# VI. STATE COMMENTS AND PRIORITIES

# Group I: Significant Primary States

- 1. <u>California</u> (271): California is important for more reasons than its delegate votes and its winner-take all, binding primary. It is also a meaningful gauge of public opinion as the largest state in the country, a swing state in the general election and a state where we hope to raise a great deal of our money. Although you have made two trips to California this year, the January trip was not especially profitable in any respect. The May visit was helpful. Although you remain the front-runner in California, the organizational efforts of other candidates are producing gains for them. Kennedy, Lindsay, McCarthy, and Humphrey may be candidates here. To strengthen your position here, to discourage other candidates (notably Humphrey) from making the race, and to raise needed funds, we recommend a minimum of seven days in California during the fall tentatively divided among a three-day trip in September and two-day trips in October and November (7).
- 2. <u>Florida</u> (81): The Florida primary is a mandatory, binding contest where the delegates are elected by Congressional district. It seems clear at this point that the Florida primary will be critical a test of Wallace's and/or Jackson's strength against you. Since this is a primary by Congressional district and since the media markets in the state are well-separated, your visits in the past which have been concentrated in the Miami area must be supplemented by visist this fall to the central, western and northern parts of the state. In addition, Florida will also be a major source of campaign funds for the national campaign. We recommend a minimum of four days in Florida this fall. (4)
- 3. <u>Wisconsin</u> (67): The Wisconsin primary is similar in form to the Florida contest, but the challenge and the possible gains will be different. Coming after the New Hampshire and Florida primaries, Wisconsin will probably present you with a significant primary challenge from the left. Success here—following successes in New Hampshire and Florida—could give you a substantial momentum. A bad showing here could be serious. Personal campaigning is as important to the people of Wisconsin as it is to the people of New Hampshire and Oregon. To consolidate your strength here, we recommend a minimum of three days in the fall. (3)
- 4. <u>Massachusetts</u> (102): The Massachusetts primary is mandatory and binding with delegates running on a state-wide basis. According to our Massachusetts workers, one day in Massachusetts should be sufficient this fall, with possible additional stop-overs for television coverage which will

reach both New Hampshire and Rhode Island on the way to those other states.

- 5. <u>Oregon</u> (34): All of the candidates will be listed on the Oregon ballot, with the likely inclusion of both Humphrey and Kennedy. In addition, Senator Jackson is popular in this state. Personal campaigning is important here and you have spent only one day in the state in the last two years. Three days at a minimum will be required in Oregon this fall, with the tentative plan to schedule one day at the end of each California trip. (3).
- 6. Nebraska (24): This is another mandatory Presidential preference primary, although it is only advisory. (It is held concurrently with a binding delegate-selection primary where the delegates are elected in Congressional districts and at-large.) Senator McGovern, from a neighboring state and with a good record on farm issues, could run well here (upcoming endorsement of him by ex-Governor Frank Morrison will help him.) It appears, however, that you still lead in Nebraska and one day's campaigning in the state this fall should be sufficient. (1)
- 7. New Hampshire (18): You face the New Hampshire primary in much the same position you faced your own re-election campaign in Maine last year. The question is less whether you will win than it is by how much; a narrow victory (to say nothing of a loss) could be fatal. As we all know, media coverage in New Hampshire is difficult, so much will have to be accomplished through Boston television. Person to person campaigning is crucial, and a minimum of three days will be necessary for New Hampshire this fall. (3)
- 8. <u>Maryland</u> (53): The Maryland primary is binding and newly mandatory, but the delegates are apportioned and elected on the Congressional district level. One day should be sufficient for the state this fall, even though you have not visited the state at all this year. (1)
- 9. <u>Tennessee</u> (49): This primary is also newly mandatory and is binding. Senator Jackson could pose a major challenge in this state and we have not devoted enough attention to it; you have not visited the state since last year. Although we are recommending a minimum of one day in the state at this time, we should carefully reassess that evaluation after we have the results of our state poll. (1)
- 10. <u>North Carolina</u> (64): Although this binding primary is optional, it may be difficult for you to avoid entering it, since Governor Scott has endorsed you. The situation is complicated by the Governor's current unpopularity, making it inadvisable at this time for us to plan on his running as a stand-in.

The only recent visit to the state was your trip to Wilson earlier this year. We suggest a minimum of one day in the state this fall. (1)

11. Rhode Island (22): Although the Presidential preference primary in this state is only advisory and is optional, it is a New England state where you have a good deal of support from the party leadership. The Boston television stations cover Rhode Island as well as New Hampshire, and the three primaries can be financed and, to some extent, managed together. Your one appearance in the state this year was not helpful in Rhode Island, and we recommend one day in the state this fall. (1)

### Group II: Other Primary States

- 1. Arkansas (27): This is a delegate-selection primary with no concurrent Presidential preference test. A keynote address to the National Young Democrats Convention in November will also give you an opportunity to indicate that Wilbur Mills will not get a free ride in his home state. (1)
- 2. West Virginia (35): The only time in recent years when the West Virginia primary assumes real importance was in 1960 when Kennedy effectively eliminated Humphrey from the race and diminished the Catholocism issue. The state is also poverty-ridden and has assumed symbolic importance because of that fact; but Tennessee could assume similar symbolic importance and has a mandatory primary. West Virginia's preference contest, on the other hand, is neither mandatory nor binding. It is only five days after the Tennessee primary and on the same day as the mandatory Nebraska primary It will also be the likely site of a bitter primary fight involving Senator Randolph. At this time, there appears to be little reason for you to enter here. However, you are committed to address the state Women's Democratic Convention in September, and this should be an opportunity to keep your opponents off balance as to your intentions. (1)
- 3. <u>Indiana</u> (76): The Indiana primary is an optional, binding Presidential preference primary held concurrently with the election of state convention delegates. The National Convention delegates, elected on the basis of Congressional districts by the state convention, are bound to vote for the Presidential candidate who receives the highest number of votes in their districts. There will probably be some changes in the law to comply with the guidelines, but they will not be significant. Three important features of the Indiana primary should be noted: (a) it is optional; (b) the filing and withdrawal deadline is March 23, following the New Hampshire primary and the Florida primary, but before the Wisconsin primary; and, (c) the date of the primary is only two

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days before the mandatory Tennessee primary (see below, the same day as the North Carolina primary and seven days before the mandatory Nebraska primary. At this point, it would seem unwise for you to enter the Indiana primary. It will be difficult to justify taking enough valuable time away from other more important -- indeed mandatory -- contests to make a respectable showing against Birch Bayh in his home state. Even if Bayh made poor showings in New Hampshire, Florida and Wisconsin, he would still be entered in the Indiana primary and probably would do well. On the other hand, you probably would stand a good chance of beating Bayh in his home state only if all the previous primaries produced both poor showings by Bayh and victories for you. The catch is that you would be forced to make a final decision on entering Indiana before the results were in from Wisconsin. The chances of a pay-off do not appear to be worth the financial cost and the campaigning time or the risk of a poor showing. Therefore, we do not foresee you contesting Indiana and we do not recommend that any additional time be spent in the state this year (with the possible exception of a field hearing in Gary on the property tax.) (0)

- 4. <u>Alabama</u> (37): Pass, unless a brief visit is combined with a trip to Mississippi.
- 5. New Mexico (18): The New Mexico binding primary, held on the same day as California, may present a low-risk high gain proposition since the delegate votes are divided proportionately between the two top votegetters. We recommend devoting some time to New Mexico during a swing through the Southwest in the fall. (1)
- 6. South Dakota (17): Pass, this fall. (0)
- 7. <u>Washington, D. C</u>. (15): (0)

# Group III: Special Primary States

1. Illinois (170): A new law has been passed by the Illinois Legislature which gives candidates the opportunity to run pledged slates of delegates. There is also a concurrent advisory preference primary. The election of delegates is on the Congressional District level. There is a good possibility that slates pledged to you will run at least outside Cook County and it is possible that you might enter the preference contest. In any case, it is important to spent some time in the state developing residual popular support for the primary and the polls, reinforcing your strength with the organization and bringing pressure to bear on Mayor Daley. You have not visited downstate Illinois since 1968. A minimum of two days will be needed in the state this fall. (2)

- 2. <u>Ohio</u> (153): There is no Presidential preference primary in Ohio; the delegates who may run pledged or unpledged are elected at large and in Congressional districts. One day, spent in cities other than Cleveland, will be needed this fall. (1)
- 3. <u>Pennsylvania</u> (182): The Pennsylvania situation, legal and political, is in greater flux than any other state. Although it probably will not be necessary to enter the optional primary if it remains advisory, the state committee is recommending that it be made binding. Governor Shapp's and Frank Rizzo's relationship and mutual or individual preferences are unknown. You should spend at least two days in the state in cities other than Philadelphia this fall (staying out of the mayoral race). However, what polls we have seen show you unusually weak in Philadelphia (vis-a-vis Humphrey, for instance) and it may be necessary to visit that city after Rizzo's probable election. (2)
- 4. New Jersey (109): The primary is optional and advisory; there should be no need for you to enter it. One day in the fall (split among Princeton, Newark and Bergen County) should be sufficient. (1)
- 5. New York (278): There is no preference primary in New York, but it is likely that candidates will be concentrating on the election of their slates in the Congressional districts as if it were a preference test. Although we are allocating five days to the state for the fall, additional evening stops in New York City for fund-raising may be necessary. (5)

#### Group IV: Significant Non-primary States

- 1. <u>Michigan</u> (132): The fund-raising possibilities here are good and your exposure in the state since 1968 has not been heavy. One day will be necessary with some attention to cities other than Detroit. (1)
- 2. <u>Texas</u> (130): After this summer, Dallas will have been covered, but that city has less Democratic money and fewer Democratic votes than any other. Two more days will be needed in the fall to cover Houston, San Antonio, Austin and El Paso. (2)
- 3. <u>Missouri</u> (73): In addition to visiting with Governor Hearnes, we will need to do some fund-raising in both St. Louis and Kansas City. (1)
- Georgia (53): Your earlier visit to the state was successful. One more day, or part of one, should solidify your position. (1)

- 5. <u>Virginia</u> (53): One visit to the Tidewater area and some contact with members of the state committee should be sufficient here. (1)
- 6. <u>Connecticut</u> (51): You have visited this state once since 1970 and of all the New England states this will be the hardest to hold. A full day this fall will be needed. (1)
- 7. <u>Kentucky</u> (47): We should keep our options open for a visit to Kentucky in late October for gubernatorial candidate Wendell Ford (0)
- 8. <u>Louisiana</u> (44): Your trip to Baton Rouge was successful and we can pass this fall. (0)
- 9. Oklahoma (39): Pass this fall, (0)
- 10. <u>Colorado</u> (36): Although the June trip to Denver may have been successful financially, it was not a political success. Labor and the left were offended by your appearance before a group of oilmen at a non-union hotel, and a stop in the state will be necessary to repair the damage. (1)
- 11. <u>Kansas</u> (35): One visit to Kansas could be extremely efficient in terms of delegate commitments and Governor Docking's support. (1)
- 12. <u>South Carolina</u> (32): You have not visited South Carolina since your nomination in 1968 and one visit will be necessary to secure Governor West's support. It will also help solidify your position in the South. (1)
- 13. <u>Iowa</u> (46): Since Senator Hughes' decision, Iowans have been most friendly. You have been asked to address their annual state-wide dinner and it could be combined with a visit to the state AFL-CIO convention. One day this fall should be spent in the state.
- 14. <u>Minnesota</u> (64): If Senator Humphrey is not a candidate, you have a good chance of getting a portion of the Minnesota delegates. Also, the Minneapolis media market covers a large part of northwestern Wisconsin. A visit to Minnesota should be included in one of the Wisconsin trips. (1)

15. Washington (52): Pass (0)

# Group V: Other Non-Primary States

- 1. <u>Arizona</u> (25): For the sake of regional exposure, Arizona should be covered in a brief Southwest swing this fall. (1)
- 2. <u>Mississippi</u> (25): Part of one day will be spent in Mississippi this fall campaigning for Mayor Charles Evers and several sherriff candidates. (1)
- <u>Utah</u> (19): Utah -- and Governor Rampton -- can be covered in the Southwest swing.
- 4. Maine (20): The ground work in this state has been quite thorough
- 5. <u>Hawaii</u> (17): Pass (0)
- 6. <u>Idaho</u> (17): Pass (0)
- 7. <u>Montana</u> (17): Ditto (0)
- 8. North Dakota (14): Ditto (0)
- 9. <u>Delaware (13)</u>: Ditto (0)
- 10. Vermont (12): Your spring visit to Vermont was sufficient (0)
- 11. Nevada (11): Pass (0)
- 12. Wyoming (11): Ditto (0)
- 13. Alasak (10): Ditto (0)
- 14. <u>Puerto Rico</u> (7): You are committed to address the Governor Conference here in September. (1)
- 15. <u>Canal Zone</u> (3): Pass
- 16. Guam (3): Pass
- 17. Virgin Islands (3): Pass

-19-

# State offices have been opened in the following states:

California Florida Wisconsin Oregon New Hampshire Nebraska New York

In addition, significant groundwork has been done by inside or outside coordinators in the following states:

Massachusetts North Carolina Rhode Island West Virginia Missouri Kentucky Washington Delaware Washington, D. C. Ohio Michigan Texas Colordao Kansas Vermont

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# VII. CONCLUSION

Understanding the caveats discussed in this memorandum (flexibility, expectation of changes because of new information, etc.), the staff does require affirmative approval of the proposed division of time and the out of town schedule. The schedule will be no better than the planning and the advance work and the planning and advance work will be no better than the lead time you give the staff.

In the two weeks the staff has spent preparing this proposal, we have reduced the number of days for out of town travel this fall to what we consider to be the nimimum required for a successful winter and spring.

# APPENDIX A

# PROPOSED MONTHLY CALENDARS SEPTEMBER - DECEMBER, 1971

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### APPENDIX B .

The following table groups the fifty states and four territories in five categories. It shows the number of days suggested for each category and each state as well as the significance of any visits you made to those states during the first eight months of 1971 and the possibilities for significant fund-raising. The amount of time previously spent in a state often understates or overstates the real impact of your visit.

B-I

### GROUP I - SIGNIFICANT PRIMARY STATES (11)

(These are states where it appears, <u>at this time</u>, that you may make a significant personal effort in the primary.)

				,	
STATE	Delegate Votes	Significant Visits (in days) during January-August 1971	Proposed visits (in days) during September - December, 1971	Significant Fund-raising Possibilities	
- · · ·		,	_		
California .	271	. 8	7	Yes	
Florida	81	4	4	Yes	
Wisconsin	67	3	3	Yes	
Massachusetts	102	0	1	Yes	
Oregon	34	1	3	Yes	
Nebraska	24	1	1	Yes	
New Hampshire	18	3	3	No	
Maryland	53	0	1	Yes	
Tennessee	49	0	1	No.	
North Carolina	64	1 -	1	No	
Rhode Island	_22_	1	<u>1</u>	Yes	
	785	22	26		

### GROUP II - OTHER PRIMARY STATES (7)

(These are states where it appears, <u>at this time</u>, that you will not make a significant personal effort in the primary.)

STATE		Delegate Votes	Significant Visits (in days) during January-August 1971	Proposed Visits (in days) during September - December, 1971	Significant Fund-raising Possibilities
Arkansas		27	O .	1	No
West Virginia	•	35	0	1	e e
Indiana		76	1	. 0	H
Alabama		37	o .	0	•
New Mexico		18	o "	1	и
South Dakota		17	. 0	0	
Washington, D	C.	<u> 15</u> ·	o .	0	
		225	ī	3	<del>-</del>

B-II

### GROUP III - SPECIAL PRIMARY STATES (15)

(These are states where a substantial number of delegates are at stake, but where a <u>Presidential preference</u> contest is either impossible or unlikely.)

<del></del>	Significant Visits	Proposed Visits	
Delegate	(In days) during January-August	(in days) during September •	Significant Fund-raising Possibilities
Votes	1971	December, 1971	
	•		
170	2	2	Yes
153	. 1	1	
182	6	2	11
109	1	1	n
278	8	5	
892	18	11	<del></del>
	Votes 170 153 182 109 278	Votes     1971       170     2       153     1       182     6       109     1       278     8	Votes         1971         December, 1971           170         2         2           153         1         1           182         6         2           109         1         1           278         8         5

### GROUP IV - SIGNIFICANT CONVENTION STATES (15)

(Each of these non-primary states account for at least 1% of the total number of delegate votes at the convention.)

STATE	Delegate Votes	Significant Visits (in days) during January-August 1971	Proposed Visits (in days) during September - December, 1971	Significant Fund-raising Possibilities
Michigan	132	1	1	Yes
<b>Texas</b>	130	2	2	Yes
Missouri	73	ō .	ī	Yes
Georgia	53	2	, ī	No
/irginia	53	ī	i	No
Connecticut	51	ī	ī	Yes
Centucky	47	0	Ō	No
ouisiana	44	1	0	No
Oklahoma	39	0	0	No
Colorado	36	1	1	11
<b>Kansas</b>	35	0	ī	. 11
outh Carolina	32	o ·	ī .	#
Minnesota	64	ī	ī. ·	
Vashington	52	. 0	ō	
owa	46	Ô	i	и .
	887	10	12	

B-III

### GROUP V - OTHER CONVENTION STATES (17)

(Each of these non-primary states account for less than 1% of the total number of delegate votes at the convention.)

STATE	Delegate Votes	Significant Visits (in days) during January-August 1971	Proposed Visits (in days) during September - December, 1971	Significant Fund-raising Possibilities
Arizona	25	0	1	No
Mississippi	25	Ŏ	ī	No
Maine	20	Ō	Ō	No
Utah	19	0 -	1	Yes
Hawaii	17	0 0	0	No
Idaho	17	0	0	
Montana	17	0	Q	
North Dakota	14	0	0	. "
Delaware	13	1	0	, and a second
Vermont	12	1	0	
Nevada	11	0	. 0	и
Wyoming	11	0	0	
Alaska	10	0	. 0	
Puerto Rico	7	0	0 ' '	и .
Canal Zone	3	0	0	**
Guam	3	. 0	0	
Virgin Islands	2 <del>27</del>	<u>0</u> 2	<u>0</u> 3	-

Breaking down the proposed schedule on a regional basis, we propose that you spend fourteen days in the Northeast, five days in the Border states, twelve days in the Midwest, ten days in the South, ten days in the Far West, four days in the Southwest.

A discussion of each state and the number of days allotted to it appears later in this memorandum.

#### EXHIBIT No. 244-17

[From the New York Post, July 15, 1971]

#### 51 PERCENT SAY TED IS UNFIT FOR WHITE HOUSE

### (By Louis Harris)

Although 68 per cent of the American people believe Sen. Edward Kennedy "works hard at his job and is a good U.S. Senator," no more than 34 per cent feel "he has the personality and leadership qualities a President should have." And one in three persons, 33 per cent, holds the view that "because of what happened at Chappaquiddick, Senator Kennedy showed he does not deserve the

Presidency."

As a result of this mixed reaction, Kennedy now trails President Nixon substantially in the latest Harris Survey trial heat published last Monday. (Those results gave Nixon 44 per cent, Kennedy 36 per cent, Gov. George Wallace 13 per cent, and 7 per cent undecided.)

The Chappaquiddick incident two years ago this July 18, in which the Senator was involved in a car crash which proved fatal to a secretary companion, unquestionably hurt Kennedy's chances. Although 51 per cent of potential voters say they will not be influenced by the tragic accident, the one-third who criticize him on this issue is politically damaging.

Chappaquiddick counts most as an issue among people over 50, white Protestants and the college-educated. Women, however, are no more disturbed over it

Significantly, over 8 in 10 of the persons who are critical of the Senator over Chappaquiddick are prepared to vote against him if he were nominated for President.

A majority of the public, nonetheless, gives Senator Kennedy high marks on

two other scores:

By 68 to 20 per cent, people feel that he "works hard at his job and is a good U.S. Senator." He is cited particularly for his efforts in the health field and for his opposition to the war.

By 51 to 34 per cent, a majority also agree that "he is one of the few people willing to take courageous stands on basic issues facing the country." This sentiment rises to 60 per cent among Catholics, 62 per cent among Democrats, and 77 per cent among blacks. Both his brothers, John and Robert, also had majorities in the country who accorded the quality of "courage" to their stands in politics.

But sizable numbers of voters also hold the view that Kennedy has gone as far

as he has largely on the strength of his family association:

By 57 to 35 per cent, a majority agree with the statement that Kennedy "has

gotten as far as he has because of his name."

This view is held by 62 per cent of the voters in the West, 60 per cent of the college-educated, and 62 per cent of persons who are Independents in their politics.

By 48 to 37 per cent, a plurality feels that Edward Kennedy "is not in the same league with his older brothers." A majority of 53 per cent in the West, 52 per cent of the college-educated and 53 per cent of the Independents share this view.

Clearly, the challenge to Kennedy is to prove to the electorate that he merits his current prominence on his own rather than a legacy of his family's past efforts. He is suffering from a form of comparison which has plagued the sons and relatives of other famous men in American politics.

Of course, Kennedy has denied repeatedly that he is interested in the nomination in 1972. However, when asked directly, most people (44 to 31 per cent) say that "although he denies it, he is really trying to get the Democratic Presidential

nomination in 1972."

The reaction of a majority, 58 to 29 per cent, is that "although one day he might run for the Presidency, he is not ready for it now." Among major groups in the electorate only among blacks do less than a majority hold to this view that Ted Kennedy's White House aspirations would be premature now.

A key question in the survey of 1614 households, conducted between June 9th

and 15th, dealt with Kennedy's qualifications for the Presidency: "Do you tend to agree or disagree that Sen. Edward Kennedy has the personality and leader-

ship qualities a President should have?"

#### [In percent]

	Agree	Disagree	Not sure
Nationwide	34	51	15
By education:			
8th grade or less	55	28	17
High school	37	47	16
College	23	64	13
By race:		• •	
16/h.la.	30	56	1.4
	30		19
Black	67	15	18
By religion:			
Protestant	26	59	. 15
Catholic	43	42	15

The clear-cut pockets of Kennedy strength are among the blacks, the least-well educated and Catholics. But this basic support adds up to a minority of today's electorate.

Most significant are persons with a college education who now heavily populate the fast-growing suburbs and are highly independent in their voting habits. Without substantial backing among this affluent group, it is unlikely that any man can get elected President in the 1970's. It is the judgment of this swing group that Senator Kennedy is "not ready" for a run for the White House, partly at least because of the incident at Chappaquiddick.



SENATOR EDMUND S. MUSKIE
Washington, D.C. 20510

### EXHIBIT No. 244-18

Partial list of recipients of fraudulent mailing.

		SENATORS:	
Congressmen:	6 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)		
Bob Casey	George Danielson	Humphrey	Gambrell
Otis Pike	Gus Hawkins	Chiles	Eagleton
Wm. Roy	Roy Taylor	Harris	Hughes
John Monagan	Charlie Wilson	Stennis	Mike Gravel
Leonor Sullivan	Jerry Waldie	Cranston	McIntyre
Gus Yatron	Henry Reuss	Cannon	Mondale
Rich Preyer	Sam Gibbons	Moss	&ZAKOKX
Don Fraser	Mo Udall	Bayh	Nelson
Bob Bergland	Jim Scheuer	Bentsen	Bob Byrd
Ed Roybal	John Monagan	Stevenson	Frank Church
Peter Kyros	Bob Leggett ,	Bible	Ribicoff
Clem Zablocki	David Obey	Hollings	Symington
Lou Nedzi	Joe Karth	McClellan	Lee Metcalf
Nick Galifianakis	Dante Fascell	Sparkman	
Rich Hanna	John Slack	Randolph	
Joe Karth	Mollohan	):	
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Bernie Sisk		darthe	?
Paul Sarbanes		Cacissm	?
		Comin	<b>4</b>

### United States Senate

### MEMORANDUM

Hon. Hunter McKean - Ft. Worth Def Ope abbott - Patting, n. C Sed altman - E. Mouthpoint, They Hon. Hubert Magan-Decatur, Ma. Many adams. - Coconut Miss James Johnson-Charlotte, M.C. Wesley Blagby - Morphitown, W.Va. Hale Christianon - Il angan Boera Non. Louis allen Machriele ann devand Chylward - Konsan City Mo india grandom - Derricale Naull Solow Clinold- Parama City Richard ash - Phila, Paragon Car. alloud - Ordan Rapids, Jour Muland Morgan - Portland, Oregon

### EXHIBIT NO. 244-19

EDMUND S. MUSKIE

### United States Senate

WASHINGTON, D.C. 20510

July 29, 1971

Dear

During the last couple of days you may have received a fraudulent mailing in an envelope bearing my name. The mailing consisted of a copy of a clipping which appeared in the New York Post of July 15, concerning Senator Edward Kennedy.

I have spoken to Senator Kennedy and assured him that no such mailing was ever authorized by me or by any member of my Senate or campaign staff. It is a reprehensible tactic obviously designed to embarrass both Senator Kennedy and me.

I think you know me well enough to know that such a tactic as this would never be permitted in any organization associated with me. I am enclosing a press release which I issued after I was apprised of this mailing by members of Congress who received it. You will also be interested to know that I have asked Postmaster General Blount to investigate the origins of the mailing. I am enclosing a copy of my letter to the Postmaster General which details some of the characteristics of this mailing which clearly denote it as a fraud.

I know you share my hope that such regrettable incidents as this will not characterize the coming campaign.

Sincerely,

Edmund S. Muskie United States Senator

Enclosure

EXHIBIT NO. 244-20

- COPY -

July 29, 1971

The Honorable Winton M. Blount Postmaster General U. S. Postal Service Twelfth and Pennsylvania Avenue, N.W. Washington, D. C. 20260

Dear Mr. Postmaster General:

I am writing to request whatever assistance you can lend regarding a mailing to many members of the House and Senate which fraudulently bore my name.

Judging from the postmark on the envelopes given me by some of the members of Congress who received the fraudulent letter, the mailing was conducted on July 28. The envelopes used in the mailing were apparently copied from envelopes in use by my office, But the fraudulent envelopes are of a different color and bear a different kind of stamp from that in use by my office. The address labels on the envelopes are also of a different color than those used by my office. I have already forwarded samples of these envelopes separately to you for your examination.

Obviously this mailing represents an attempt to embarrass Senator Kennedy and me. Worse, of course, this fraud represents a despicable imposition on the judgment of those who received it and a fraudulent use of my name.

I ask whatever assistance you can render in determining the source of this mailing and in determining whether a violation of federal law is involved,

I look forward to hearing from you.

Sincerely,

Edmund S. Muskie United States Senator PATES POST

Verex -1 'Said

THE POSTMASTER GENERAL Washington, DC 20260

August 2, 1971

Dear Senator Muskie:

This will acknowledge your letter of July 29, concerning a mailing to many members of Congress which fraudulently bore your name.

I want to assure you that we are looking into the matter, and a report will be sent to you as soon as it is available.

With kindest regards.

Sincerely,

Winton M. Blount

Honorable Edmund S. Muskie United States Senate Washington, D. C. 20510



# OFFICE OF THE EXECUTIVE ASSISTANT TO THE POSTMASTER GENERAL Washington, DC 20260

August 23, 1971

### Dear Senator Muskie:

This is in further response to your letter of July 29 concerning a mailing to many members of Congress which fraudulently bore your name.

This entire matter is presently under investigation by the Postal Inspection Service. As pertinent information becomes available I will gladly keep you informed as well as supply a final and complete report at the conclusion of the investigation.

With kind regards.

David L. Contor

David L. Cantor

Congressional Liaison Officer

Honorable Edmund S. Muskie United States Senate Washington, D. C. 20519

### POST OFFICE DEPARTMENT POSTAL INSPECTOR

INSPECTOR

CASE NO

### Special Investigations Division Washington, DC 20260

October 4, 1971

Mr. Michael Shinay Office of Congressional Liaison U. S. Postal Service Washington, DC 20260

Dear Mr. Shinay:

This will confirm our telephone conversation on September 28, 1971, concerning unauthorized mailings of reprints of a newspaper article critical of Senator Edward Kennedy using the return address of Senator Edward S. Muskie.

Envelopes and enclosures, recovered from Senator Muskie's office, were submitted to our Crime Laboratory for processing by the Ninhydrin method in an effort to develop latent fingerprints. Enclosures contained in two envelopes which were undeliverable to the addressees and were returned to Senator Muskie were completely void of fingerprints. Numerous fingerprints and palm prints were developed on the enclosures received by other Senators and Congressmen, which would indicate that the prints did not belong to the person or persons responsible for preparing the mailings.

The investigation was coordinated for Mr. Floyd M. Bering, who was employed by Senator Muskie's office. No suspects were developed, and that a postal violation was not involved, further attention to this case is not considered warranted. If additional information or investigation is desired, please advise. The envelopes and enclosures are being retained in my files.

Sincerely,

D. L. Hunter Postal Inspector

A TRUE COPY

### Almited States Senate

WASHINGTON, D.C. 20510

November 23, 1971

Mr. J. A. Matukonis Congressional Liaison Officer United States Postal Service Washington, D.C. 20260

Dear Mr. Matukonis:

I appreciate the help you provided us with regard to the fraudulent mailing and share your regret that you were not able to identify the perpetrators of this action.

I would, however, appreciate your return as soon as possible of the envelopes and other materials submitted to you by this office. Please return them to my Administrative Assistant, John McEvoy, 115 Old Senate Office Building, Washington, D.C.

With warm best wishes, I am

Sinceredy,

Edmund S. Muskie United States Senator

### **EXHIBIT No. 244-24**

September 28, 1971, 4:00 p.m.

### MEMORANDUM FOR THE RECORD

From now on, we want to have at least one Muskie sign in among demonstrators who are demonstrating against the President. It should be MUSKIE FOR PRESIDENT in big letters and should be held in a location so that it is clearly visible.

At Muskie events or events by other Democratic hopefuls, there should be a sign or two which goads them. For example, at a Muskie rally there should be a large WHY NOT A BLACK VICE PRESIDENT or perhaps WE PREFER HUMPHREY or something else that would goad him along.

At Humphrey rallies there should be Muskie signs and at Kennedy rallies, there should be Muskie or Humphrey signs and so on. These signs should be well-placed in relationship to the press area so that a picture is easy to get.

### EXHIBIT No. 244-26

### Memo

from the desk of . . .

Lesley G. Dunn

To: Muskie for President Headquanters The national office of the League of Women botters received this scurrilous document this Thought you would want to know to whom it is being circulated-L. G. W.

### MAR 27 1972

"It is time for a change. We must restore trust and confidence in our government."

--EDMUND S. MUSKIE, March 9, 1972

MAR 81 1 7

But twice that very week of March 9th, Muskie shattered his image of "trust and confidence." Quite deliberately he refused to tell the truth about his money sources and financial disclosure. Twice—he lied on national network television.

Two weeks before March 9th, in front of a Florida audience (and the national press), Muskie told a whopping lie about his Vietnam voting record.

For the past ten years, Muskie has been regarded as the epitome of "trust and confidence" but a close examination of his record gives reason to doubt.

Muskie is the man who advocates the "Politics of Trust" and the "Politics of Candor." The full story of his frequent deceit and fraud is documented on the pages inside this report.

# Why doesn't Muskie tell the truth?

"I expect to be held accountable...."
--Edmund S. Muskie, 1/5/72

MUSKIE ACCOUNTABILITY PROJECT ROOM 4200, 515 Madison Ave, NYC

Note: Please copy, xerox, bend, staple, or mutilate this document — and/or send it to your friends who support Muskie — and ask your local Newspaper to evaluate it. Radio +TV, Too.

### Dedication:

"I expect to be held accountable."



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NOTE: Political candidates, during their campaigns, typically put their best foot forward. Sometimes they stick their foot in their mouth--unintentionally. But they never expose their warts deliberately. And they never talk about the lies they've been telling the public.

The frontrunner, Ed Muskie, has based his campaign largely on the "Politics of Trust" and the "Politics of Candor." And he has asked to be held accountable for his mistakes. The MUSKIE ACCOUNTABILITY PROJECT, therefore, has been sponsored as a public service to the nation's voters by the Sixtus Corporation, Stewart Mott, President, 515 Madison Ave., NYC 10022.

# Muskie Lies about his Vietnam voting record

On February 19th, during his whistle-stop train tour of Florida, in West Palm Beach before an audience of Florida voters and the national press, Muskie made the following claim:

During the past two years, Muskie said he was a changed man who "voted for every proposition to end this war and tie this President's hands in pursuing and escalating this war."

But on October 5, 1971, just 44 months prior to this claim, Muskie rose on the floor of the U.S. Senate to record himself against an end to the bombing in Indochina.

The issue was very simple and clear. Senator Gravel's amendment #433 called for an unconditional halt to the bombing in Laos, Cambodia, and North Vietnam. And it called for a halt to the bombing in South Vietnam except as the President deemed necessary to protect the safety of our withdrawing troops.

Senators Stennis and Thurmond led the debate in opposition to Gravel's amendment. Muskie voted with them. So too did Humphrey and Jackson.

In the six months that have passed since Sen. Muskie voted, in effect, for a continuation of the bombing, the air war has been stepped up by President Nixon--hundreds of thousands of bomb tonnage hawebeen dropped, countless thousands of Indochinese and Americans have been killed, and millions of Indochinese acreage have been scarred beyond recognition.

Senator Muskie gives fine speeches proclaiming his opposition to the war, but when it comes to voting in the Senate, he's not very consistent with his rhetoric.

And when he gives speeches on the campaign trail, seeking the Presidency, seeking our votes, seeking our trust and confidence, he lies to us about his Senate voting record.

# Muskie "prefers debates" but repuses to debate

In July 1971, Senator Muskie made a speech to a group of Congressional interns and said that debates among Democrats in the primaries "would be my preference to spot advertising."

But, as reported in the New York Times on Feb. 19, 1972:

Senator Muskie is spending the maximum on spot advertising in the New Hampshire primary allowed by the agreement among the Democratic candidates, but he has avoided a debate with Mr. McGovern. He has said he would debate only if all the Democratic hopefuls, not just those running in a given state, were to take part. That position makes a debate almost impossible to arrange.

Finally, of course, Muskie did agree to a New Hampshire "debate" but only after prolonged protest and embarrassment. And finally he agreed to do it even though only his other four New Hampshire contestants were present. (He would have liked 15 people on stage instead of five?) And his staff who negotiated the arrangements insisted that the format allow no cross-questioning between candidates, only set speeches.

Subsequently Muskie refused to debate his rival candidates in Florida. And again he refused to debate McGovern or McCarthy in Illinois.

But this is the man who "prefers debates"?

On March 3, 1971, Muskie said:

I think the presidential debates of 1960 came closest to generating widespread public interest, but that may be because it was the presidential office that was at stake.

That same day, responding to a remark that "the people listening don't get much out of it," Muskie said:

This is especially true with Senators who have been around a while, because they have developed a skill to evade an issue or avoid confrontation or to run around a point.

\* \* \* \* \*

In that same testimony March 3, 1971, Muskie said: "As long as millions are spent to sweep men into office on a wave of superficial advertising more appropriate to soap or cereal than national politics, the integrity of democratic practice and our faith in that practice will continue to diminish." He also said: "Even the best spot is a distortion of some sort. It may be a good one, but it is a distortion of some sort."

And this is the man who is "spending the maximum on spot advertising."

Muskie's ancestry: Draft dodgers!

Fifteen years before Ed Muskie was born (on March 28, 1914), his father, named Stephen Marciszewski, emigrated from Poland.

At the time, seventeen was the age of conscription into the czarist armies, and few Poles were anxious to serve in the army of their oppressor.

Ed Muskie's grandfather was determined that Stephen Marciszewski should leave Poland before he was drafted. When he reached 17, Marciszewski left for England and lived there three years, then moved on to the U.S., changed his name to Muskie, and fifteen years later sired young Ed.

\* \* \* \* \*

**(5)** 

One wonders why, with such a distinguished ancestry, Ed Muskie finds it so hard to come to terms with U.S. draft dodgers and the whole question of amnesty!

Although Ed Muskie claims to be the leading environmentalist in the Senate, a close look at his record indicates that those self-righteous claims are not altogether true.

Muskie grew up in the town of Rumford, Maine, where the Oxford Paper Company (Rumford's principal employer) has long been the chief polluter of the odiferous, befouled Androscoggin River. The rank fumes and foul water were facts of life which Muskie grew up with. Presumably he came to accept it as a necessary evil. Rumford residents, knowing that the mill was the source of their livelihood, would sniff the odor and say, "That's the smell of money."

Forty years later, Muskie smelled money again. He became friendly with a fellow named Freddie Vahlsing, a millionaire promoter-dreamer. Vahlsing was one of the fat-cats who helped Muskie get elected to the Senate in 1964. Mr. Vahlsing used to give Muskie free rides in his corporate plane. Mr. Vahlsing, through his sugar beet and potato processing enterprises, became-WITH ED MUSKIE'S HELP-one of the most notorious polluters in the State of Maine during the 1960's.

The story of Muskie and his wheeler-dealer friend Vahlsing is long, complicated, amusing, sad, and incredibly venal. A full report of it can be found in an article by Frank Graham, Jr. in The American Heritage magazine or in the Lippman-Hansen book entitled Muskie. But the sordid, simple chronology of it describes the pollution of a river--and the pollution of Muskie's integrity.

- 1960 The Prestile river in Maine has a "B" classification, suitable for propagation of fish and, after treatment, for use as drinking water. First-class for trout.
- 1960 Vahlsing applies for a license to discharge his potato-processing wastes.
- 1961 Vahlsing opens his potato-processing plant and starts polluting the Prestile.
- 1962 Muskie meets Vahlsing.
- 1962 Fish begin to die in alarming numbers. Children warned not to swim in Prestile.
- 1962 Vahlsing seeks federal help to expand his plant. During the next three years Muskie and his staff assisted him. "We gave him all the help we could."
- 1962 to 1965 Vahlsing receives 31 violations for degrading the "B" classification.
- 1962 to 1964 Vahlsing installs a waste-treatment plant, which has never functioned properly.
- 1963 Muskie seeks 33,000 acre sugar-beet allotment for Maine from Dept. of Agriculture.
- 1964 Vahlsing has enlarged potato plant several times, federal help thru Muskie.
- 1964 Muskie is up for re-election. Receives donations from Vahlsing.
- 1965 Vahlsing wins contract to build \$14,500,000 sugar beet refinery. Receives help from Muskie to get a \$6,000,000 federal "Area Redevelopment Administration" loan PLUS \$8,000,000 in private loans backed by the State of Maine, leaving only \$500,000 for Vahlsing to put up in private capital.
- 1965 The pollution on the Prestile has become so bad that the State of Maine issues a cease-and-desist order to Vahlsing's potato plant. As a solution, to circumvent the State order, the Maine legislature downgraded the Prestile to a "D" classification--with the help of Edmund Muskie. Muskie came forward to marshall the Democratic votes in the Legislature, publicly supporting the down-grading, making it clear that he stood with Vahlsing and his Prestile pollution. The Prestile had thus been officially confirmed as an open sever.

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- 1967 Vahlsing's sugar-beet refinery opens; it's pollution-free. But the potato plant continues to pollute. More fish are killed and the odor nearly drives nearby residents from their homes. That winter, the ice was black.
- 1968 The stench gets so bad that Prestile neighbors across the Canádian border are ready to wage war. "We threw some trout into the river and they lived less than a minute....even the eels in the stream had their eyes turn white and dissolve." In self-defense, the Canadians erected a one-thousand square-foot dam across the Prestile to prevent the stench from befouling their shores.
- 1968 Muskie runs for Vice-President. Vahlsing contributes to his campaign.
- 1969 The sweet allure of sugar beets turns sour. There aren't enough sugar beets grown to make the refinery profitable. Vahlsing's loan payments are in default.
- 1970 Vahlsing owes millions in debt and can't pay. He can't even pay the Maine farmers for their sugar beets. He can't pay local township taxes. The State of Maine has to intervene and, because of the loan guarantee, shells out monthly payments of \$50,000 to Vahlsing's creditors.
- 1970 The State of Maine upgrades the Prestile classification to "C" but allows a grace period until 1976 to achieve that standard.

Oh, by the way, according to Bill Caldwell in the Maine Sunday Telegram, the lawyer for Mr. Vahlsing is none other than George Mitchell, Democratic National Committeeman from Maine and currently one of Muskie's campaign managers.

Such, in brief, is the Tale of the Prestile, its pollution, and the Smell of Muskie's Money.

\* \* \* \*

Ralph Nader and his "Task Force Report on Air Pollution" have had some striking observations to make about Muskie's environmental record. For example:

Senator Muskie has never seemed inclined (either politically or temperamentally) toward taking a tough stand against private industry.

On balance, Muskie has failed the nation in the field of air pollution control legislation.

His leadership has wavered significantly over the last several years and any renewed interest in exerting that leadership was due only to his fear that the President might steal the Senator's thunder on a good political issue.

Perhaps the Senator should consider resigning his chairmanship of the Subcommittee (on Air and Water Pollution) and leave the post to someone who can devote more time and energy to the task.

. . . . .

Is this Mr. Clean, the leader of the environment crusade?

Is this the man who says "We're very careful about the contributions we receive....we avoid conflict of interest problems"?

18

## Muskie the Legislator?!

POLL TAX -- he voted in favor of it in 1962.

SEGREGATION -- in 1963 he voted in favor of continuing federal funds for segregated hospitals and medical schools.

CRIMINALS -- in 1968 he voted to disqualify from federal employment anyone convicted of a felony in a riot.

WIRETAPS -- he voted for continuing police authority to permit wiretaps even before any crime is committed.

SHOTGUNS -- he voted against Sen. Edward Kennedy's effort to prohibit interstate shipment of rifles and shotguns.

BOMBS -- he voted against Sen. Edward Brooke's amendment to prohibit the sale of bombs, hand grenades, and the like to unauthorized persons.

#### \* \* \* \*

VIETNAM -- During the middle and late 60's, Muskie probably knew more about Vietnam than any other foreign-policy issue. He had already made more of a record of involvement with Vietnam than most of his Senate colleagues.

In 1965 he went to Vietnam on behalf of L.B.J. on a fact-finding mission.

In 1967 he was an official observer at the South Vietnamese elections.

In 1968 he testified before the Democratic Party's platform committee on Vietnam.

In 1968 he was the lead-off speaker in favor of the majority plank at the convention.

On the Senate floor he had argued about Vietnam issues, and had voted on bills, amendments, and resolutions related to the war.

Yet in August, 1969, Stewart Alsop made the observation on "Meet the Press" that "Senator, I find it a little difficult to understand precisely where you stand on the over-riding issue of Vietnam."

Alsop was not alone. Virtually no one, including Muskie, knew quite where Muskie stood on the Vietnam war.

And as recently as February 1972, Muskie was telling the editors of the Washington Post: "We must urge the government in Saigon to move toward a political accommodation with all the elements of their society." And then: "And for us to try to impose a political settlement, I think, does violence to what we think our continued involvement ought to be."

Huh? What does Muskie mean? What's the difference between "we must urge" and the notion that we must not "impose"? In our relationship with the Saigon regime, when we merely "urge" something, it is most often categorically ignored. The only way we have succeeded in changing Saigon's policies is through "imposition." Little wonder that the American public is still confused by Ed Muskie's rhetoric. That's probably because he, too, is confused.

# 9 Honest Ed - advocate of trust and confidence in government.

In 1964, Muskie voted <u>against</u> a Morse-Clark amendment to require full annual disclosure of all assets, source of gifts, income and contributions by Members of Congress, Federal officials, and military officers.

In 1964, as a precondition to a pay increase for Members of Congress, Muskie voted <u>against</u> a disclosure requirement seeking information on all financial interests in excess of \$10,000 and sources of income in excess of \$500.

In 1964, Muskie voted <u>against</u> a resolution requiring disclosure by Members, officers and employees of Congress receiving salaries in excess of \$10,000, of all assets in excess of \$5000, associations with professional firms, employment and financial condition of spouse, and prohibiting joint ventures with lobbyists and acceptance of gifts in excess of \$100 in value.

In 1967, Muskie voted <u>against</u> a Clark amendment requiring Senate members and employees earning in excess of \$10,000 to file a financial statement with the Secretary of the Senate.

In 1968, Muskie voted against a Cannon amendment to extend disclosure to candidates as well as incumbents.

\* \* \* \* \*

With this as a back-drop, we may proceed to an understanding of Muskie's votes and behaviour in connection with specific questions of congressional ethics. Like the time Muskie voted against an investigation of the infamous Bobby Baker, who became so rich and notorious during his years of friendship with L.B.J.

In 1964 and 1968, though he was accepting welcome campaign contributions from his pal Freddie Vahlsing in Maine, Muskie gladly helped Vahlsing continue with his notorious pollution of the Prestile River and he willingly helped Vahlsing obtain \$14,000,000 in government-sponsored loans. The company went broke, couldn't repay.

\* \* \* \* \*

And in the most obvious case of all, Muskie claims virtue and ignorance. That's the case of John P. Jabar, Muskie's field representative in Maine, who received \$10,000 per year from Muskie's federal office allowances, while at the same time wheeling and dealing in the nursing home business. On the sly, Jabar had become president of two corporations. One of them obtained a \$415,000 loan from the FHA, and the other received a \$345,000 loan from the Small Business Administration.

When it became public knowledge that Jabar was cashing in on Muskie's connections, Muskie, of course, denied any knowledge of it. But the fact is that the FHA in Maine was headed by Dick McMahon, Muskie's close friend and former campaign manager. And the fact is that the Maine SBA was headed by Maurice Williams, Muskie's administrative assistant when he was governor. And Jabar's associate in these nursing home deals was the brother of George Mitchell, then chairman of the Democratic State Committee, Vahlsing's lawyer, and one of Muskie's current campaign managers. But Muskie denied any knowledge of Jabar's shenanigans.

When the glare of publicity uncovered this neat arrangement for Jabar, in 1968, Muskie was then interested in presidential politics; Jabar got rid of the nursing homes and quietly left Muskie's staff, All nicely hushed up.

# Muskie's bad temper

Muskie's biographers, Theo Lippman and Donald C. Hansen, who wrote a remarkably favorable analysis of the Senator's career (entitled <u>Muskie</u>, published in 1971 by W. W. Norton, \$6.95), assembled nonetheless a very devastating portrait of Muskie's bad temper, as seen in the quotes below.

But first, for contrast, let's look at the Muskie rhetoric in his 1968 Vice-Presidential campaign speech:

To make a society such as ours work is not easy. It means learning to live with, to understand and to respect many different kinds of human beings...of different social backgrounds, personalities and dispositions, and to accept them all as equals. It means learning to trust each other, to work with each other, to think of each other as neighbors.

### THE YOUNG MUSKIE -- Lippman-Hansen review his youth:

At home Muskie displayed none of the shyness he showed in public. "He was never shy around the house," says Irene (his older sister). "Mostly it was his terrible temper." The children played casino, whist, and rummy, and "Ed just couldn't bear to lose a game. If he lost, he'd throw the cards, yell, and stamp off. He just hated to lose." Once, when Irene had been teasing him for losing, Muskie became so enraged that he chased her into the pantry, and Irene screamed in fear that he was going to hit her. He has never completely conquered either his shyness or his temper; he remains essentially a private person for all his public successes, and has a temper that can approach the volcanic. As governor, he once hurled a heavy book at an aide during a heated discussion, missing only narrowly.

#### AS VICE-PRESIDENTIAL CAMPAIGNER

. . . . .

He would fume at advance men and aides who established schedules he was incapable of meeting. "Who are these faceless bastards that are responsible for this schedule?"

It doesn't take much to offend Muskie...His anger, whether uncontrolled or summoned, rises to the surface; his eyes blaze, his forefinger waggles, his great head shakes, and his jowls quiver, as he decries an opponent's unwarranted attack.

MUSKIE THE LEGISLATOR -- Ralph Nader had criticized Muskie for watering down an anti-pollution bill. A reporter asked him what he thought of Nader's charges.

Muskie turned on the reporter, his eyes blazing with anger, his lips and hands literally trembling. Obviously attempting to hold his emotions in check, he replied in a strained voice that he hoped his record would stand up against such charges. Muskie staff secretaries who watched the encounter whispered to one another that they had never seen him so angry.

### HIS SISTER'S SUMMARY

His older sister, Irene, is frankly of two minds when she considers the possibility that Ed might become president... "I just don't know whether he'd be able to take all the criticism that a president gets. He's so sensitive to criticism."

### D Muskie characteristics

#### INDECISION -- from the Lippman-Hansen book entitled Muskie:

Another aspect of Muskie's personality that began to emerge was his slowness to reach a decision--some call it procrastination--his willingness to explore all facets of a problem, his tendency to recite alternatives without committing himself publicly to any one of them. This trait is both a strength and a weakness...That same quality, however, may be a distinct handicap in a presidential aspirant.

He often waited until after the debate on a particular point had left the center ring before making up his mind. Muskie "appears determined to be the last man to commit himself to any point of view," Washington Post columnist David Broder wrote in June, 1969.

#### LEADERSHIP -- As recorded on "Meet the Press" in an interview with Stewart Alsop;

Alsop: "I have talked to a good many of your Democratic colleagues, and they all seem to have only one major criticism of you as a potential presidential candidate. That is that you haven't broken your lance in any really major cause, that you haven't been actually out front and center on the really controversial issues. What is your comment on that criticism?"

Muskie replied: "It might be one I would make myself."

### KNOWLEDGE OF ISSUES -- as reported in the Washington Monthly of May, 1971:

A staff aide had written a briefing memo on the defoliation and indiscriminate bombing in Vietnam. Muskie reacted: "Is this accurate? Do you mean to say this has been going on?"

On a campaign trip to California in 1968, Muskie's aides were surprised to learn the Senator didn't know about Cesar Chavez's grape strike. "Grape strike? You've got to be kidding" Muskie told his startled briefers.

#### CHOICE OF STAFF -- from Lippman-Hansen:

The staff which Muskie interposes between himself and others is by senatorial standards only passable; as that of a major United States public official seeking the presidency it has been described as inadequate. Ralph Nader, during his curious battle with Muskie, termed the staff "amateur," an evaluation he said was shared by Washington political observers.

FRUGALITY -- Lippman-Hansen have described him as "basically a man of simple personal wants and he remains frugal." Well, things are getting better for Ed Muskie. He manages to get along on his Senate salary of \$42,500 PLUS his 1969 earnings of \$80,183.25 in speaking and writing fees, and in 1970 he was due to get a guarantee of about \$90,000 for a series of ghostwritten books. Ed Muskie's definition of frugality includes an \$82,000 home near Washington, a \$35,000 beach cottage in Maine, and two Chryslers.

### ORGANIZATIONAL ABILITY -- Muskie speaks:

We're so busy in our office that only the unimportant things surface. Every damned day I leave the house with something specific I want to do when I get to work. And twenty-nine times out of thirty, I never get to do my own thing; I'm always doing somebody else's.

# Muskie Favors reform' but doesn't act on it

On numerous occasions--and as recently as last month--Sen. Muskie has claimed that he is in favor of the new party reforms.

A long catalogue of examples could be brought forth to document how the Muskie campaign has violated both the letter and the spirit of the new guidelines for delegate selection. But one crystal clear example serves to illustrate this point.

Every slate of delegates is supposed to be composed of fair representation of women, blacks and youth—in proportion to their presence in the population. But in Illinois, Muskie's slate of 113 delegates to-be-elected contained only 23% women.

As if men out-numbered women in Illinois by a ratio of 3:1!!!

#### Utter nonsense.

Muskie's people apologized for this obvious imbalance and explained that a candidate "had little control over who filed in his name."

But nonetheless, on March 9, 1972, Ed Muskie wrote a letter to the people of Illinois, signing it personally, in which he enclosed a list of the 113 prospective delegates (only 23% of which were women), and he said: I HAVE PERSONALLY ENDORSED (these) 113 CANDIDATES.

Actually those 113 candidates were all competing for a total of only 108 delegate seats, so it's obvious that Muskie could have reserved his endorsement for only the 108 who could possibly get elected. Or he could have abstained from an overt endorsement altogether.

But this man who claims he's in favor of party reform, why does he actively work to deny women their equal rights?



### Famous Muskie quotes

I CAN FUDGE ON THE ISSUES AS WELL AS ANYBODY ELSE.

I'VE BEEN IN POLITICS A LONG TIME.

--Did Muskie really say that?

I'VE MADE MISTAKES. I'VE HAD REASON TO CHANGE MY MIND AND I EXPECT TO BE HELD ACCOUNTABLE NOT ONLY FOR THE THINGS THAT I'VE DONE RIGHT, BUT ALSO FOR THE MISTAKES THAT I ALSO ACKNOWLEDGE.

--press conference, 1/5/72

I DON'T URGE PEOPLE TO TRUST ME....

I REALLY DON'T THINK THAT AS A MAN I'M MORE TRUSTWORTHY THAN OTHER MEN.
--interview with Washington Post, Feb. 1972

a comment about Muskie:
YOU CAN STRADDLE ONLY SO LONG BEFORE

YOU CAN STRADDLE ONLY SO LONG BEFORE YOU GET A HERNIA.
--quote in Wall Street Journal 3/3/72

Jack English, whose candidate (Muskie) acknowledges receiving free rides in Freddie Vahlsing's airplane:
MCGOVERN HAS BEEN RECEIVING FREE RIDES IN STEWART MOTT'S PRIVATE PLANE.

--remark to the press on 3/6/72
--Note: Mott owns a bicycle and battered VW, no planes.

Jane Muskie:

I'M NOT AN INDEPENDENT SQUL....I AM A LIBERATED WOMAN....

I DON'T WANT TO PUT MY FOOT IN ED'S MOUTH...MY HUSBAND'S CARBER HAS GIVEN ME A CARBER.
--interview in Time magazine, 3/6/72

asked if he would abide by the spirit of the campaign finance disclosure law:
YOU WOULDN'T WANT ME TO BREAK THE LAW, WOULD YOU?
--interview in Tampa Tribune, 2/29/72

looking pale and haggard, one week after the N.H. primary:
I THOUGHT I OUGHT TO CAMPAIGN IN NEW HAMPSHIRE TO LEARN HOW TO GO DOWNHILL GRACEFULLY.
--in Florida, 3/14/72

referring to abortions and why the law shouldn't be repealed:
THERE'S GOT TO BE SOME KIND OF RESTRAINT!
--in NYC on 3/23/71

referring to day-after chemicals which might be abortifacients:

SOME WOMEN ABORT SPONTANEOUSLY WHEN HORSEBACK-RIDING. MAYBE WE SHOULD HAVE MORE
RIDING STABLES.

--in NYC on 3/23/71

shouting through a bullhorn on the Univ of Illinois campus: IT IS SAID THAT I'M SEEKING FORGIVENESS ON THE WAR.

I'M NOT SEEKING FORGIVENESS.

I MADE A MISTAKE AND I EXPECT TO BE HELD ACCOUNTABLE.

I'VE SAID ON A HUNDRED CAMPUSES THAT I WAS WRONG IN 1968.

--reported in the Washington Post, 3/19/72

## The most tangled web of lies:

- A. Repeatedly during 1970, Muskie and has staff asserted that his 1970 campaign funds were for his 1970 re-election to the U.S. Senate.
- B. Muskie's staff claims that the fund-raising is "strictly a Maine operation" —then later tells the Clerk of the House of Representatives that it is a "local committee" in the District of Columbia—yet it raises 97% of its major gifts outside the State of Maine, and only 17% from D.C.
- C. Now, in 1972, when it suits his convenience, Muskie claims that the 1970 money was for his Presidential race, and he repeats that claim on four different occasions on national network television.
- D. When confronted with his lies, Muskie fudges the issue and claims that the 1970 committee was for both the Senate and Presidential races—which is either untrue or unethical.
- E. Muskie proclaims his virtue in being the first to make a voluntary disclosure of finances, and says he discontinued his disclosure policy because McGovern and other candidates didn't follow suit. But the truth of it is that he was muzzled by his fat-cat friends who told him to stop disclosing -- or else.
- F. Muskie claimed in 1972 that he wouldn't disclose his early donations unless all current candidates, Republican and Democrat, plus all potential candidates (including Pat Paulsen and Dick Gregory?) would disclose. Then, due to increased pressure and embarrassment, he reversed himself and agreed to disclose.
- G. But Ed Muskie deliberately arranged his disclosure to avoid the New Hampshire and Florida and Illinois primaries. Consequently, voters in those states had no knowledge as to who was bankrolling Ed Muskie's campaign.
- H. And when Ed Muskie makes his report in late March, it will be only a partial report, not a complete report of his money sources.
- I. It has been claimed that Muskie is receiving money from Republican defense contractors. Also from I.T.T. board director Felix Rohatyn. -- In 1970, certain contributions were refunded because of potential embarrassment to the candidate. Now, again in 1972, some Republican contributors may be asking for refunds rather than have their names disclosed publicly.
- J. On January 17, 1972, Muskie told reporter Richard Reeves that if he disclosed the source of his campaign money, he'd be "out of the race."
- K. Reeves commented that if Muskie's books were opened to the public, "the country would get a free master's degree in political science."
- L. On virtually every single occasion when Ed Muskie has been questioned about his money sources, he has become "angry" or "irked" or "testy" --according to press reports. His financing is obviously a source of acute embarrassment to him.
- M. On March 5, 1972, during a national network TV program, Muskie deliberately lied about his campaign finances. And then, despite the national inquiry into I.T.T. financing of Nixon, Mitchell, Kleindienst and the Republican convention, and despite his own crusade for "trust and confidence," Muskie continued his remarks by saying, "Now, if I may turn to the real issues in this campaign.

### (5)

### Documentation confirming the Lies

A. THE 1970 SENATE MONEY. Despite what Muskie is saying now, every shred of evidence on the record proves that the 1970 "Muskie Election Committee" was solely a Senate re-election committee, and funds were supposedly raised for that purpose only.

On 2/18/70 the first donations were received, \$1500 from Milton Gwirtzman and \$5000 from the National Committee for An Effective Congress. The latter organization gives only to congressional candidates; it never allows its money to be used for presidential campaigns.

On 3/23/70 a donation of \$4500 arrived from the Democratic Senate Campaign Committee, which, like the NCEC above, gives only to Senate candidates, never for presidential. Muskie and his staff director Berl Bernhard had been chairman and director, respectively, of the DSCC accouple of years prior to this. Both NCEC and DSCC are groups which raise money from the public-at-large, from thousands of contributors both large and small, and the donations are then turned over to candidates for Congress only.

On 3/31/70, in an interview with Bob Walters of the Washington Star, Muskie's staff insisted that the new committee was for "nothing more than a senatorial race."

On 4/13/70, the committee received \$5000 from the AFL/CIO Committee on Political Education, another group which presumably was giving solely to Muskie's Senate race.

On 4/29/70, the committee treasurer, Milton Semer, writes a belated thank-you letter to NCEC saying that its "\$5000 is a big help in assuring Senator Muskie's re-election this year to the U.S. Senate from the State of Maine."

On 6/10/70, Milton Semer files the first report of the Muskie Election Committee (MEC) saying in a cover letter to Pat Jennings, Clerk of the House of Representatives, that the committee was formed to assist Muskie, who "is seeking re-election to the U.S. Senate from Maine."

On 7/10/70, the MEC recorded another gift of \$500 from the DSCC.

On 8/31/70, MEC accepted a \$500 donation from publisher William Benton, a well-known Humphrey supporter, who presumably thought he was giving to Muskie's Senate race.

On 9/28/70, MEC received a donation of \$500 from a group called "Invest in Peace," a fund-raising activity sponsored by Another Mother for Peace. Dorothy Jones, a co-chairman of the group, described the donors as "little people"--several thousand of them--who saved a dollar here and there from their food budgets in order to back congressional candidates who had voted against the ABM, MIRV, and Vietnam. They had no intention of backing Muskie's presidential interests.

On 10/13/70, MEC received a \$2000 donation from the Garment Workers Union in NYC, another labor group which probably intended the money to go for Muskie's Senate race.

On 10/30/70, MEC apparently closed out its books, or at least ceased to report any further contributions, for there is no record at the Clerk of the House indicating money received just prior to Election Day '70 or any money received after Muskie's successful re-election. The total funds raised between 2/18/70 and 10/30/70 amounted to \$175,263, a very small amount for any state's Senate re-election expenses.

On 1/19/71, two months after his Senate re-election, Muskie told reporter Elizabeth Drew that "I'm not a candidate, or an announced candidate for any office." When Ms. Drew persisted in questioning him, Muskie grew angry and repeated "I'm not a candidate for anything."

In effect, every dime that MEC raised in 1970 was presumably for Muskie's 1970 Senate re-election. The record is abundantly, convincingly clear

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B. "STRICTLY A MAINE OPERATION." These are the words used by Milton Semer, treasurer, in describing the committee to Washington Star reporter Bob Walters, on 3/31/70. The facts, however, differ from the claims of Muskie's staff.

Out of \$175,263 raised by the MEC, \$161,000 (92%) came from 90 donors who gave \$500 or more. That's an average gift of about \$1800. Among these ninety donors, there were only three gifts from Muskie's home state of Maine, and the three amounts total only a mere \$11,000 out of the \$161,000 total.

From other localities, Muskie raised vastly more money:

\$27,000 from 15 donors in Washington, D.C. \$53,500 from 32 donors in New York City \$14,500 from 8 donors in Los Angeles \$24,500 from 17 donors in Massachusetts \$30.500 from 15 donors in 12 other states

The true domicile of the MEC must have been a total befuddlement to its treasurer, Milton Semer, for only two months after he told the press that it was "strictly a Maine operation," he attested to the Clerk of the House in his 6/10/70 letter that MEC "has been formed in the District of Columbia....is a local committee, not affiliated with any national committee."

But on the date that Milton Semer wrote that letter, only 3 out of 27 major gifts were from the District of Columbia, his own gift of \$1000 being one of them.

C. NOW, IN 1972, MUSKIE CLAIMS THAT MEC-70 HAD BEEN A PRESIDENTIAL COMMITTEE! On four separate occasions, each of them on national network television, Muskie has been extelling his virtue as an advocate of disclosure and has claimed that his MEC donations were really-and-truly donations to his Presidential campaign.

On 1/16/72, during a "Meet the Press" interview, Muskie said he had disclosed his "national political" money in the 1970 report.

On 3/5/72, reading from a prepared statement on the N.H. television "debate," Muskie claimed: "I have disclosed the sources of contributions to my campaign for the Presidency....I decided to file regular public reports with the Clerk of the House of Representatives and I did so in 1970."

On 3/7/72, on the very morning of the N.H. primary, he told Frank McGee on NBC's Today Show: "I have disclosed contributions....and did through 1970."

On 3/14/72, on the morning of the Florida primary, he told Barbara Walters, again on the NBC Today Show: "I was the first candidate to disclose....in 1970 when no other candidate disclosed." Walters: "But you were not a Presidential candidate then." Muskie: "Yes I was."

D. <u>REACTION TO THE MUSKIE LIES</u>. Immediately following the New Hampshire TV remarks, file #163 at the Clerk of the House became one of the most actively scrutinized documents in Washington. There was no evidence to support the claim that Muskie's report represented a disclosure of his Presidential monies. Every scrap of evidence, every detail, indicated that it was his Senate list and only his Senate list.

Donors were immediately contacted and asked: "Did you intend your 1970 gift to go toward Muskie's presidential campaign?" Russ Hemenway, Director of the National



Committee for an Effective Congress, replied: "We do not participate in Presidential elections. Our donors were certainly giving the money for Muskie's Senate race. They may have had other preferences in the Presidential campaign."

Dorothy Jones, co-chairman of Another Mother for Peace, was asked about the \$500 sent in through its fund-raising efforts. She said: "That's amazing. We meant that money to go specifically for the Senate campaign. That's ridiculous. Those funds were never intended for his presidential efforts. I'm going to write him a letter right away."

Another donation, in the amount of \$1000, had come from a fund-raising group called "Campaign '70," an effort headed by Senators Frank Church and George McGovern, which had raised money for a number of liberal Senators who were up for re-election. Although the amount had not been reported by the MEC, Campaign '70's coordinator George Agree insists that the money was meant for the Senate bid only. It is not likely that Sen. McGovern would have sanctioned Muskie's use of the money for his presidential purposes.

Clearly the Muskie people found themselves caught in a dilemma. On the one hand they had told Senate contributors that their money was for the Senate; but now in 1972 the candidate himself was proclaiming that the 1970 report listed Presidential monies. The Muskie solution: fudge on it.

Reporter Saul Friedman, writing for the Knight Newspapers, called Muskie's Washington office on March 9th and talked with spokesman Hadley Roff. "Many of the contributors listed understood that their money was to be used for the Presidential as well as the Senate campaign and that some expenditures would overlap," Roff said. He claimed that contributions were "earmarked" for the Senate campaign only.

Hemenway of the NCEC was asked about this. He pointed out that there had been no specific earmarking in the letter he received from the MEC. "Perhaps our contribution did go to the Senate race, but the problem is, how can you tell the dollars apart when they get mixed?" he said. "Furthermore, that is very unethical. Not illegal, but certainly improper."

In this tangled thicket of lies, evasions, and unethical behaviour, one wonders just who Edmund Muskie and his friends have been lying to:

To his Senate donors?
To reporter Bob Walters?
To the Clerk of the House?

To reporter Elizabeth Drew? To New Hampshire voters? To Frank McGee?
To the entire nation?
To Barbara Walters?
To Florida voters?

To reporter Saul Friedman?

Suddenly we hear an echo of Muskie's own speech on election eve 1970; his words were: "That is a lie. And the American people know it is a lie."

E. WHO MUZZLED MUSKIE IN 1971? For the past two months, Muskie had been claiming that he had been the first, the only candidate to disclose his money sources. He even claimed to Frank McGee that he wanted to "set the standard for disclosure."

But then following October 1970, Muskie stopped disclosing. WHY?

Muskie would have us believe that he discontinued his disclosures because "other candidates failed to follow my lead." Over and over he has claimed this. On the N.H. television debate, twice on the Today Show, again in a press statement on 3/12/72.

But thank goodness the national news media began catching on to Muskie's tactics and his obvious lies. On March 12th, Don Oberdorfer of the Washington Post wrote a

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column telling the truth of it. Opening the column with the remark that Muskie "has painted himself into a corner on the issue of disclosure of his campaign finances," Oberdorfer sets forth the real reason as to why Muskie was muzzled:

Within a month of this voluntary disclosure (October 1970), Newsweek magazine accurately reported that hig shots from the motion picture industry were among the senator's heaviest contributors. Columnist Kevin Phillips, picking up the tale from there, listed the names of the movie men--prominently including Arnold Picker and Arthur Krim of United Artists--and charged that Muskie was receiving "financial succor from celluloid sex."

Apparently the heat was too hot for Muskie and his movie pals; Oberdorfer continues:

Neither the Newsweek article nor the Phillips column created much of a stir, except among the moguls. In the plush setting of a post-election meeting in Florida, with the movie magnates paying many of the bills, Jack Valenti of the Motion Picture Association and others convinced Muskie to cease the voluntary reports, arguing that they embarrass his contributors and would retard his fund-raising. The January 1971 campaign fund report—in final stages of preparation—was quietly shelved, and no more Muskie reports were filed.

At last the truth was out! But perhaps neither Barbara Walters nor Ed Muskie happened to read the Oberdorfer column, for just two days later, 3/14/72, on the NBC Today Show, talking to a national audience, there he was again, perpetuating the muth:

I suspended it (disclosure) because no other candidate followed.

Such utter nonsense. -- And what a shame that Barbara Walters let him get away with the bold lie, but perhaps she just didn't know the truth of the matter.

F-G. FINALLY HE AGREES TO DISCLOSE, BUT A BIT TOO LATE. Already, by March 12th, Muskie had painted himself into such a tight corner that he was about to go straight up the wall. He had compounded his lies so frequently, and he had made himself look so incredibly suspicious on this issue, that he had no choice but to agree to a full disclosure.

But let's look at the background of his refusal to disclose. Over and over again he had refused to disclose early this year. On 1/16/72 he claimed that he did not find it possible to "write a new standard of conduct." --Even though he subsequently claimed that he had been the first to disclose and had attempted to set a "new standard for disclosure." -- Huh?

On February 27th the Washington Post reported an interview with Ed Muskie on this subject of disclosure:

I'm willing to support any policy or any approach to the problem that includes everyone who's a candidate or potential candidate for President, both Republican and Democrat.

In setting forth his position thus so clearly, it's obvious that he wanted a full disclosure agreement that would include Edward Kennedy. Pat Paulsen, Dick Gregory, and, without fail, Snoopy. It's no wonder that the Washington Post editorial staff followed this reply with a question: does this mean that "you will be last man in?"

Muskie denied that charge, of course, but he made it clear that he was in no hurry



to live up to the pious words he had spoken on this subject just one year earlier, when he testified before the Senate hearings on campaign financing reform. Perhaps one of the most famous quotes in Muskie's entire career was uttered on 3/3/71:

DISCLOSURE IS A GOOD THING.

Unfortunately, Muskie found it impossible to live up to principles he had espoused. Apparently because the movie moguls had muzzled Muskie. Apparently because indeed he had something to hide.

Perhaps Muskie felt the pressure so strongly that he had no choice. After all, McGovern, Lindsay, McCloskey, and Humphrey had finally disclosed. To be sure, Nixon, Paulsen, Gregory, Kennedy and Snoopy hadn't disclosed. But apparently Muskie felt it would be, at last, politically expedient to do so. Maybe he had read a Washington Post editorial on 3/12/72:

The actions of these four candidates ought to put enough public pressure on the rest of them to smoke out similar data. A serious candidate, particularly a front-runner like Senator Muskie, can hardly afford to bring up the rear on this issue. Failure to follow suit opens him, with some justification, to the charge that he has something to hide. Whatever Senator Muskie's reluctance is based upon—a fear the figures will show he has done poorly, or perhaps exceptionally well, in raising money or a desire to protect the privacy of some of his donors—he has a special obligation as the supposed leader of the field to come clean with the public.

It's clear that Muskie was feeling the heat. Three days before that, Humphrey, of all persons, had agreed to a full disclosure. Two days before that, advertisements appeared in most every important newspaper in Florida calling him on this point, asking him to disclose. Also, two days before, Saul Friedman had written a stinging column for the Knight newspaper, Miami Herald, raising the many murky questions about that "Muskie Election Committee."

On Sunday, March 12th, the A.P. wire came through from Tampa marked "Urgent." Muskie agrees to disclose! Suddenly it is the lead story on news broadcasts that day. On Monday it is the headline on page # one in leading newspapers. Big deal!

But sadly, in this announcement, Muskie reiterated all the tired lies he had been telling in previous weeks and months. He resorted to a claim that he had disclosed in 1970. And he resorted to the claim that he discontinued that virtuous policy because "other candidates failed to follow his lead."

A bit late, yes, very tardy. And, of course, too late for his announcement to have any effect on the New Hampshire vote five days before. And, of course, too late for Florida voters to learn who is bankrolling the frontrunner's campaign.

He said that he would disclose his data "within ten days." Ten days from 3/12/72. Indeed he could have cranked out his contributor lists in time for the Illinois voters to have a look at them. But as of the date of the Illinois primary, 3/21/72, he was planning to postpone his disclosure for another five days and release the information on 3/27/72, safely distant from the Illinois results.

H. EVEN THEN, ONLY A PARTIAL DISCLOSURE! But even when he finally gets around to it, on 3/27/72 he will be disclosing only the donations received from 1/4/72 to that date. Merely two and a half months' worth of disclosure.

Only later, at some unspecified date, will Muskie tell about the million or more dollars he received between 10/30/70 and 1/4/72--fourteen months of income period which he plans to keep secret on 3/27/72. And then, again at some unspecified date

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still later, he will tell about the money received between 3/27/72 and 4/7/72, the date at which the new disclosure law will finally take effect.

I. <u>SUSPICIOUS MUSKIE MONEY</u>. On March 3, 1972, the authoritative Wall Street Journal stated on its "Washington Wire" that "The Senator dares not reveal contributors' names...gifts from Republican defense contractors would dry up."

On 2/29/72, for a fancy fund-raiser in NYC, the names of I.T.T. board director Felix Rohatyn and his wife were listed as guests at the \$125/plate dinner.

On 3/9/72, Felix Rohatyn was the New York Times' "Man in the News" because of his intriguing connections with the I.T.T. scandal being uncovered by Jack Anderson.

"You know, he's a strong critic of the Administration and has been very active in Senator Muskie's Presidential campaign," noted one Wall Streeter who has followed Mr. Rohatyn's career. "So it's ironic that he should become involved in this problem over one of Mr. Nixon's appointees."

Nicholas von Hoffman echoed the same curiosity about Mr. Rohatyn in a Washington Post column:

But it's also the respectables who are getting it. Like Muskie, for in his attempt to share the blame, Kleindienst let it out that little Felix the Fixer, Rohatyn, is a Muskie advisor on economic matters. The presidential candidate's headquarters confirmed this, saying Felix had worked with Muskie on an ignoble piece of legislation which allows stockbrokers to gamble with their customers' money.

Little wonder that Muskie is embarrassed about releasing his money sources! But apparently this problem is nothing new for Muskie. According to his biographers Lippman-Hansen, "Some contributions in 1970 from sources that were considered dubious were returned."

Suspecting some skunks in the woodpile, Baltimore Sun reporter Adam Clymer contacted the Muskie staff to find out if any 1972 money was being refunded. He reported on 3/17/72:

Berl I. Bernhard, campaign staff director, refused to comment on a report that some Republican contributors had asked for their money back rather than have their names published.

Well, maybe that's why the Muskie disclosure date has been put off so long. Maybe that's why a report came forth in the N.Y. Post on March 11th that Muskie wanted to contact his 20 largest contributors prior to his disclosure. And that's probably why on March 12th Muskie "declined to answer questions about whether any of his contributors would object to the disclosure," according the the A.P. wire release. Maybe that's why the disclosure date was moved later from March 22nd to March 27th.

Could it be that Muskie has been busily refunding money to fat-cats who fear to have their names disclosed? Well, it seems we'll never know. On 3/27/72 the Muskie lists will probably show only the names of those who have given and haven't asked for their money back, Indian-giver style. We'll never know about those who gave in 1971 or 1972 and assumed that their money would remain forever a deep, dark secret between Muskie and themselves. The names may have alreadybeen smudged out carefully by a fat eraser or an inscrutable computer.



J. I WOULD BE OUT OF THE RACE. On January 17, 1972, reporter Richard Reeves asked Ed Muskie why he didn't give a straightforward, open answer to Dave Broder's question the preceding day, when Broder had asked Muskie about his refusal to disclose. Muskie said: "If I were to do that, I'd be out of the race."

Just imagine. Suppose Richard Nixon were to say:

If the public knew about my secret deal with Jimmy Hoffa, I'd never get re-elected.

Would the press and the public ignore that statement? Certainly not. It would become the prize-winning foot-in-mouth statement of the year. Yet Ed Muskie can make a statement that "he'd be out of the race" and everyone yawns.

Why? Richard Reeves explained it by saying that perhaps he had just become so cynical about this dreadful problem of campaign financing that it seemed normal.

One reporter on the Muskie campaign trail said "So what else is new?" A different reporter, one assigned to the job of 1972 finance reporting, said "Look, most of those guys who are following Muskie are Democrats themselves. And they want to beat Richard Nixon. So they're not going to shove it up Muskie's ass unless they have to." And still a different reporter said: "My gosh, did Muskie really say that? Wow, that really ought to be looked into."

K. A FREE MASTER'S DEGREE IN POLITICAL SCIENCE. Such are the words that Richard Reeves used in the New York Magazine article dated 2/7/72 in describing Muskie's source of money:

Muskie, the frontrunner...is a big-money candidate, an investment candidate --if his books were opened, the country would get a free master's degree in political science.

Well, even in advance of the 3/27/72 disclosure date, we do have some clue as to where that money comes from. We need only look at the big money on Muskie's list of so-called Senate contributors in 1970 (or were they presidential donors?).

For example, Muskie did receive in 1970 a total of \$30,000 from the purveyors of "celluloid sex":

- \$11,000 from Arnold & Ruth Picker--United Artists (incl \$1000 from David Picker) \$11,500 from the Redstone family--Sumner, Michael and Edward--they run the Northeastern Theatres Corp.
- \$ 2,000 from Robert Benjamin--United Artists
- \$ 1,000 from Burton Roberts--Northern Screen Service Corp.
- \$ 1,000 from Ray Stark, president of Rastar Productions
- \$ 1,000 from David Flexer, president of In-flite Motion Pictures
- \$ 1,000 from Arthur Krim--United Artists
- \$ 1,000 from Ed Weisl, chairman of the executive comm., Paramount Pictures
- \$ 500 from Eric Pleskow--United Artists.

It's puzzling, of course. Why would Muskie receive major support from the movie industry? Would they be planning to do a super spectacular along the windswept cliffs of Maine? At Kennebunkport? With Muskie as Superstar? Or will they film their flick at the White House and call it "The Buying of a President."

Much more understandable and obvious is the 1970 donation of \$3300 from Mr. William A. Delano, 800 West Tampa St., Springfield, Missouri. Naturally everyone seeking his master's degree in political science would understand that. So too the \$3332 donation from Mr. J. E. Mueller, 508 Portland Bldg., Louisville, Kentucky. Both of

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those two gifts are abundantly obvious. At least to anyone studying political giving. Here's why:

A couple of weeks ago, Marquis Childs, columnist for the United Features Syndicate, said, "The rich, ripe hypocrisy spread around about campaign contributions is enough to cover at least the Eastern Seaboard with a layer an inch thick." What Childs ignored to say is that the hypocrisy spreads out to Kentucky and Missouri as well.

The donation from Missouri most likely came from ADEPT and the donation from Kentucky most definitely came from SPACE. --Eh?

ADEPT means Agriculture and Dairy Educational Political Trust. And SPACE means Special Political Agricultural Community Education.

At first glance, one might suppose that these two groups are nice, good-government committees sponsored by lots of little folk out there in mid-America, U.S.A. But in actual fact, these are the same people who paid Richard Nixon and the Republican National Committee some \$322,500 in 1971 in order to get an increase in the support price of milk. Currently their handsome gifts and the whole curdled deal are the subject of an extraordinarily embarrassing court case brought by Ralph Nader in the federal courts. Nader is seeking to get the support price of milk returned to its proper supply-and-demand levels, instead of the price pegged by ADEPT and SPACE which gives fat-cow dairy farmers a \$300,000,000 bonanza. (Not bad, a 1000:1 profit on political donation's!) Nader's suit also seeks to have that \$322,500 returned from the R.N.C. to the federal treasury.

Anyway, it's mighty helpful for ADEPT and SPACE to have friends in Congress who won't squawk about the highway robbery imposed on average consumers. And it seems that Ed Muskie is one of those who has been muzzled by his profit-seeking friends. In the Richard Reeves interview 1/17/72, Muskie said:

We're very careful about the contributions we receive....we avoid conflict of interest problems or contributions that have strings tied to them, whether they're visible or invisible strings.

RIGHT! --Next lesson in the political science course: you collect a nice bundle of "Senate re-election money" from Wall Street:

\$2000 from Herbert Allen--who spent really big money for Fred Harris's candidacy

\$2500 from John P. Tyrrell, 42 Wall Street

\$2500 from Richard Harrington, 42 Wall Street

\$1000 from Douglas Dillon, who gives to everybody's campaigns (?)

\$1000 from Alexander Vagliano, 23 Wall Street

\$1000 from William Louis-Dreyfus, Wall Street neighbor at 26 Broadway.

Now there's a cool \$10,000 and if you don't "GO TO JAIL" then you proceed in your Senate re-election campaign to Washington, D.C. and collect your next course credits (and \$27,000) from a few old friends who want to be sure that Maine has the right kind of Senator. Apart from \$5000 each from Sanford D. Greenberg and the David Challinor family, Muskie also received \$1000 from Mr. John L. Humphrids, in charge of Corporate Public Affairs for the TRW Insurance Co. Now it happens that neither John L. Humphries nor TRW Insurance are currently listed in the 1972 Washington telephone directory, but nonetheless TRW is an abbreviation used by the Thompson-Ramo-Woolridge company and it is a large defense contractor, and so if you can figure that one out, you have passed Richard Reeves' course in political science.

Somehow the words "United Artists" and "ADEPT" and "TRW Insurance" just seem so heavily laden with irony. But then surely that's just a coincidence.



L. MUSKIE GETS ANGRY, EVASIVE AND IRRATIONAL. It would appear that the problem of disclosing financial resources is no easy matter for Muskie. Not, at least, from an emotional perspective. Almost every time he has been asked about his sources of money he has become noticeably upset. As Joe Nicholson observed in the Washington Monthly a year ago, "the aspect of the campaign about which he frets the most is fund-raising."

On 2/29/72 Muskie was being interviewed by Tampa Tribune writer Charles Hendrick and he "appeared irked" by the repeated questions about campaign financing.

On 3/6/72 as reported by A.P. writer Carl Leubsdorf, an "obviously angered Muskie" was prompted to claim that his questioner was a "plant" in the audience, since the questioner persisted in asking Muskie about his campaign sources.

On 3/10/72, Jules Witcover of the Los Angeles Times filed a story telling about Muskie's post-election news conference in Manchester, where Muskie had "demonstrated some testiness at repeated questioning from reporters about his refusal to say where his money in 1971 and 1972 came from."

On 3/12/72 Don Oberdorfer reported: "Muskie's increasingly testy statements and excuses on this question do not and should not convince the public."

Muskie's staff aide in Florida tried to explain away Muskie's position on campaign finance by saying that the Muskie committee was complying with provisions of Florida's campaign contributions law, "one of the stictest in the nation." What Muskie's evasive aide did not mention is that the "strict" Florida law does not apply to presidential candidates, who are required merely to file a report 45 days after the primary has taken place.

Muskie himself compounded the confusion in Florida when he told a Tampa audience that he wouldn't disclose because:

YOU WOULDN'T WANT ME TO BREAK THE LAW WOULD YOU?

Surely that remark must rank among the winners in the History of Absurdity.

M. NOT ONE OF THE REAL ISSUES? Senator Muskie has campaigned on the politics of "trust and confidence." Yet he has brushed off this campaign disclosure question as an inconsequential bit of trivia. After speaking of campaign disclosure on the N.H. television debate, he said "Now if I may turn to the real issues in this campaign..." But as Don Oberdorfer said in his Washington Post column, "If there was ever an issue of trust and confidence, this is it."

In the midst of the Senate hearings on I.T.T. donations to the Republicans, one would think that Muskie might awaken to the need for public enlightenment about who buys presidential candidates. What a pity if the citizens of the U.S.A. had to wait until a 1973 Senate committee started investigating the donations to "President Muskie's" early campaign.

During that election eve television broadcast in 1970, Ed Muskie charged Nixon with "deception of unprecedented volume." Ed Muskie ought to think about it himself if he wants to win the "trust and confidence" of American voters.

#### EXHIBIT No. 244-28

[From the Washington Post, Oct. 2, 1972]

#### JUSTICE BROKE RULES IN HALPERIN TAP

(By William Chapman)

The Justice Department apparently failed to observe its own ground rules when it spent 21 months tapping the telephone of Morton H. Halperin, a former national security aide.

According to legal papers filed in a civil suit, former Attorney General John N. Mitchell was never asked for permission to renew the wiretap despite a depart-

mental rule requiring renewed authority every 90 days.

The documents also show that Halperin was under electronic surveillance by the FBI long after he had quit the government and during a period when he was an adviser to Sen. Edmund Muskie (D-Maine), then a potential presidential candidate.

The legal papers have turned up in the civil suit that Halperin filed against Mitchell, Secretary of State Henry A. Kissinger, and other top officials or former

The reply brief on behalf of defendants shows that Halperin was being wire-

tapped from May 12, 1969, until Feb. 10, 1971.

The administration has claimed that Halperin's tap was placed in the interests of national security. Normally, according to Justice officials, the department followed a rule of requiring renewals of such wiretaps to be authorized every 90 days by the Attorney General.

However, the rule seems to have been ignored in Halperin's case, Mitchell, in a separate reply brief to Halperin's suit, does not dispute the complaint that he authorized the first placement of a wiretap. But he said he ". . . was never requested to extend such authorization for any specific periods of time."

In a fuller reply brief by Mitchell and other defendants, the former and present officials admit that after the first tap was authorized in May, 1969, no

further authorizations were either sought or authorized.

The Justice Department declined to comment on the apparent departure from the national security wiretapping ground rules. A spokesman said no one would comment while the Halperin suit is in the courts.

Halperin was one of 17 persons whom the government has admitted wiretapping in connection with national security affairs, presumably in its attempts to

curb news leaks.

He apparently was subjected to the longest of the taps. Kissinger has testified

that the longest one was 21 months.

In their brief, the defendants admit that summaries of the conversations overheard on the Halperin wiretap were made available by the FBI to Kissinger, Alexander Haig, who is now chief of the White House staff, and H. R. Haldeman, the former chief of staff.

Kissinger is named in the brief as the government official who first gave Halperin's name to the FBI. Kissinger at the time was President Nixon's national security adviser and head of the staff for which Halperin was a consultant,

Based on Kissinger's information and other information available to the FBI. agents of the FBI installed the tap on Halperin's home in Bethesda, the defendants said in the brief.

#### [From the Washington Star-News, Oct. 15, 1973]

#### NEW TAP OF A MUSKIE AIDE DISCLOSED

#### (By John M. Crewdson)

Authoritative sources have disclosed a second instance in which a "national security" wiretap authorized by President Nixon remained in effect on a former National Security Council staff member after he had left the government and joined the presidential campaign of Sen, Edmund S. Muskie.

The disclosure is the strongest indication thus far that what apparently began in early 1969 as an effort to find and stop leaks of classified information to the press may have eventually turned into a political intelligence-gathering operation aimed at both Democratic and Republican opponents of the Nixon administration.

According to well-informed government sources, the wiretap, placed on the home telephone of Anthony Lake in May 1970, shortly after he had announced his intention to resign from the council, was maintained until February 1971—two months after Lake had signed on as Muskie's chief foreign policy adviser.

A similar "national security" wiretap on Morton Halperin, a former colleague of Lake at the council, remained in force after he, too, had severed his ties to the government and had become the head of Muskie's campaign committee on the military budget.

Both men have said that, during the time they were under surveillance by the FBI, they discussed Muskie's campaign strategy over the telephone with other Muskie aides.

Although neither man can recall any specific conversations on the tapped phones with Muskie himself, Lake said it was possible that he might have spoken with the senator from his phone by telephone at some point during the two-month period.

He added, however, that anyone listening to his conversations with other campaign officials at the least could have anticipated "some of the speeches he (Muskie) was going to make."

Until it became apparent in mid-March of 1972 that Muskie's bid for the Democratic presidential nomination was faltering badly, he was the principal target of a campaign of espionage and sabotage by Republican undercover agents that included placing spies in his offices and issuing bogus, and in some cases scurrilous, literature under his name.

In a statement in May, Nixon took full responsibility for authorizing the "national security" wiretap operation, which involved the surveillance of 11 other government officials besides Lake and Halperin, and four newsmen. Both the White House and the Justice Department have since refused to comment on the matter.

Nixon asserted in May that each of the 17 wiretaps—the first of which were installed in May 1969 and the last removed along with Lake and Halperin taps in February 1971—were "undertaken in accordance with procedures legal at the time," and were intended "to find and stop serious national security leaks,"

Although Halperin's tap remained on for 21 months and Lake's for nine, it appears that they were continued in the absence of any evidence that either man was a source or potential source of any of the leaks with which Nixon has said the operation was concerned.

Officials with access to the logs of the overheard conversations said they had assured Lake that "nothing damaging was ever turned up" on him, and Secretary of State Henry Kissinger has said that the wiretap on Halperin "never cast any doubt on his loyalty or discretion."

#### EXHIBIT No. 244-29

9 November 1971.

M E M O R A N D U M

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Leon

FROM:

SUBJECT: Telephones

There is something very strange going on with the telephones. All on lines 7859 and 7863 (Walt's line). The phone rings, we pick it up, there's nothing there but the sound of a phone ringing (as if you had just dialed a call). Then it is answered, and there you are...you didn't call them and they didn't call you.

I may be paranoid, but it strikes me that in the following list of the offices reached in this way in the last two hours, there, are enough connected to our activities to suggest a possible messed-up phone bugging:

Maiste Roune<sup>X</sup> Zambian Zabassy Panama Canal, Company Senator Conper" Cambia, Cyalling Senator Public Works with office " Nouse Public Works main office . Mouse Agriculture Committee, 15 Senator Muskie/ National Park Survice Latvian Delegation Embassy of Knwalt Railroad Retirement Fund Vice President's Office X Sobilers" Home (several times) Dial-A-Prayer (several times) Long Diskense Operation Senator Buckley (pereval times) (multiplied Congressment Minurik (several times) (dum Senace Document Room Senator Cavings

There have also been several instances in which a ringing phone was picked/only to encounter (a) a dead line or (b) a conversation already going on between two other people.

Mil when the liberus MD 4.

10 November 1971

#### MEMORANDUM

TO:

Leon

FROM:

Ann

SUBJECT: Addenda to Telephone Memo of 9 November

Shortly after my memo of yesterday, I picked up a ringing phone (7859) which was in turn picked up at the other end by Congressman Blatnik's office (for the third time). The girl had a telephone company representative standing by her desk, and I spoke to him.

My conversation with the telephone man established the fact that there were only three offices on Capitol Hill which had the same problems described. They are:

Senate Subcommittee on Air and Water Pollution House Committee on Public Works Congressman Blatnik's Office

Shortly after that I spoke to another telephone man who was in the House Public Works Committee. He confirmed the fact that it was only the above three offices which were involved. He also said that it was a most unusual problem which he had never encountered before. The problems in the other two offices are similar to ours, except that Blatnik and the House Committee keep getting hooked up to each other and to us, and don't seem to have the wide range of hookups with offices all over the city that we do.

Earlier in the day yesterday, I had registered a complaint with Kathy Forcum -- at that time I thought the situation was an ordinary mechanical problem -- and she called the Sergeant at Arms. Mr. Tansill, of the C & P Telephone Company, arrived in the 4th floor office about 5:30 to discuss the situation. I went downstairs and talked to him.

Following your instructions, I played down the situation...I told him the mysterious calls had stopped an hour or so earlier, and did not show him the list of places reached. He wanted to station a man in our office today to wait around for funny calls, but I suggested that he wait until we had some, at which point I would call him. He agreed. He evidently did not know about the House Committee and Blatnik's office, as he said our office was the only one with this problem. I didn't tell him.

Thus far (10 a.m.) today, nothing out of the ordinary has happened.

#### EXHIBIT No. 244-30

JETHINGS RANDOLPH, W. VA., CHAIRMAN DAMIND S, MIDRIE, MARKE DEEPH M. MONTOYA, N. MEX. JAKES L. SUCKLEY, N.Y SIKE GRAVEL, ALASKA

Joseph M. Berntoya, N. Mex Mike Gravel, Alaeka Lloyd Bentsen, Tex. Quentin H. Burdick, N. Dak. Dack Clark, 19wa Joseph R. Miden, 18.. Del. Howard H. Baker, Jr., Tensa Amer L. Buckley, N.Y. Lobery Y. Stappord, VY. Villiam L. Boott, VA. Amer A. Mc Clure, Idano Tete V. Domersci, N. Mex.

M. BARRY MEYER, CHIEF COUNSEL AND CHIEF CLERK BALLEY GUARD, MUNORITY CLERK

### United States Senate

COMMITTEE ON PUBLIC WORKS WASHINGTON, D.C. 20510

October 26, 1973

#### MEMORANDUM

TO:

Berl Bernhard

FROM:

Leon G. Billings

SUBJECT: The "Funny Phones" Incident

As per your request of October 24, 1973, I will try to recall the events subsequent to the "Funny Phones" Incident of November 9 and 10, 1971.

After being alerted to the peculiar performance of the telephones serving the Subcommittee on Air and Water Pollution offices, telephone company representatives interviewed the staff to determine the nature of the problem. To my knowledge the problem ceased shortly after Ann's conversation with Blatnik's office.

I spoke with the representatives of the telephone company to ascertain what might have occurred. While I was answered that they were absolutely certain that there had been no tampering with the phones, they were equally adamant that there was no mechanical way that the incident could have occurred.

When I pressed them on the incident -- for some explanation -- I could get only a repetition of the above.

You should note that at this time there were intense White House pressures on Blatnik and the House Committee to hold hearings on the Senate-passed water pollution bill. Blatnik was resisting but shortly thereafter had a heart attack and the House held the hearing.

Our only speculation was (and it was in jest -- not for paranoia) that the White House would go to any lengths to find out what we were doing.

Now in retrospect....?

Please note that I have checked these facts with Ann Garrabrant and, to the best of her recollection, they are accurate.

#### EXHIBIT No. 245

#### COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W. WASHINGTON, D. C. 20006 (202) 333-0920

January 31, 1972

## CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL

The attached information has come to our attention recently regarding Senator Muskie's campaign organization.

JEB SMACRUDER

Attachment

CONFIDENTIAL

#### January 31, 1972

- 1. Senator Muskie has received an invitation from a Mr. William G. Mullen, General Counsel of the National Newspaper Association here in Washington, D. C. The invitation is for the Senator to appear at their Washington Government Affairs Conference on March 16 18. They note in their invitation that they, take a great deal of pleasure in the Senator's introduction of S.2965, the so-called "Truth in Government Act of 1971".
- Senator Muskie has been invited to speak at the 1972 Convention
  of the Young Democratic Club of Wisconsin. The convention is
  scheduled for March 17 19, 1972 at the Wausau Midway Motor
  Lodge.
- 3. Mr. Frederick Merrill, House Office Building 1422, Washington, D. C. 20515 has contributed to the Muskie 1972 campaign.
- 4. Mr. Wally Boman (?), President of the Polish National Alliance of the United States of North America, Council 203, Washington, D. C. supports Senator Muskie and made a personal contribution to his campaign. His address is 5119 Temple Hills Road, Washington, D. C. 20031.
- 5 Mr. Norman Hinerfeld, Executive Vice President, Kaiser-Roth Gorporation, 640 Fifth Avenue, New York, New York 10019 is a contributor to the Muskie campaign.
- 6. Mr. Sam Harris, 120 Broadway, New York, New York 10005 is a generous contributor.
- 7. Mr. Jerry Magnin, 1900 Avenue of the Stars, Suite 2010, Los Angeles, California 90067 is a generous contributor to the Muskie campaign.
- 8. Senator Muskie received a letter from Senator Thomas F.
  Eagleton who wrote to him as Chairman of the Democratic Policy
  Council's Committee on Human Environment for the purpose of
  inviting Senator Muskie to put forth specific suggestions from
  him or his staff for the 1972 Democratic platform. Enclosed
  with the correspondence was an outline which says that the
  suggested format for platform suggestions should be double-spaced
  on a single sheet of 8 1/2 by 11 paper with the subject, first;
  the sub-classification, second; third, would be a suggestion for
  a specific platform language limited to 25 or 50 words; forth,
  a statement in support of platform language to be limited to
  100 or 150 words; fifth, an optional list of additional references;
  sixth, optional name or individual organization submitting the
  recommendations and suggestions.

- 9. Mr. Frank S. Bernard, 222 South 24th Street, P. O. Box 487, San Jose, California 95103 has contributed \$1,000 to the California Citizens for Muskie Campaign.
- 10. Letter to Senator Muskie from Robert Okin, Financial Consultant, Lincoln Avenue, West Orange, New Jersey: "It is my expectation that additional funds can be available within 30 45 days, and I shall send them slong to you through Harold Grant."

# ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

# The Berkshire Eagle

October 24, 1973

Hon. Sam Dash
Majority Counsel
Senate Select Committee
On Presidential Campaign Activities
Room G-308
New Senate Office Building
Washington, D.C.

Dear Mr. Dash,

During a public hearing of the Senate Select Committee on Oct. 11, a witness, Michael MacMinoway, made certain allegations concerning my participation in the presidential campaign of 1972.

At the suggestion of Mr. Paul Summit of your staff, I have drawn up the enclosed affidavit in response to Mr. MacMinoway's allegations. The affidavit is signed and notarized.

I would appreciate it very much if you would include my affidavit as part of the Committee's records. As I understand it, this is the best means of answering the allegations made about me in public testimony before the Committee.

If I can be of any service to the Committee in any way, please let me know. Thank you for your help.

Sincerely yours,

Thomas P. Southwick

Thomas P. Southwick

# BEFORE THE SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

#### AFFIDAVIT OF THOMAS P. SOUTHWICK

COMMONWEALTH OF MASSACHUSETTS	)	
	)	ss.:
CITY OF PITTSFIELD	)	

THOMAS P. SOUTHWICK, being first duly sworn, deposes and says:

- 1. I reside at 41-D Highview Drive, Pittsfield,
  Massachusetts 01201. I am currently Assistant Managing Editor
  of UpCountry Magazine, a monthly publication of the <u>Berkshire</u>
  <u>Eagle</u>, a daily newspaper in Pittsfield, Massachusetts.
- 2. During public hearings before this Committee on October 11, 1973, a witness, Mr. Michael MacMinoway, made certain allegations concerning my participation in the presidential campaign of 1972. I submit this affidavit to the Committee for inclusion in the official record of the Committee's proceedings, in order to establish the truth as to these allegations.
- 3. During the period from September, 1971 until the Democratic National Convention in July 1972, I worked in the campaign of Senator George S. McGovern to win the Democratic nomination for President. At various times during that period I served as Co-Director of National Youth for McGovern, National Youth Coordinator in Iowa, New Hampshire and Wisconsin, and as a political field coordinator in Ohio, California and New York.
- 4. During and immediately prior to the Democratic National Convention in Miami Beach, I served as liaison between the McGovern campaign and young people who came to Miami without any official role in the convention. I also helped to organize young delegates to the convention, and was a representative of

the McGovern campaign for dealing with young people generally.

- 5. During the general election campaign, I served as political field coordinator in the Fifth Congressional District in Michigan.
- 6. In his testimony, Mr. MacMinoway stated that he met me in Wisconsin and in Miami Beach. To the best of my recollection, I have never met Mr. MacMinoway at any time. I do not know him; I do not recognize his name; I do not recognize his face.
- 7. In an entry in his diary for March 24, 1972, Mr.

  MacMinoway stated "Tom Southwick, the youth coordinator for

  McGovern, is lining us [sic] some marches for Sunday". That

  statement is false. I never "lined up" any marches of any kind

  at any time during the primary or general election campaign of

  1972. I was never, at any time, directly or indirectly, involved

  in "lining up" or organizing in any way any marches.
- 8. In his diary entry for March 25, 1972, Mr.

  MacMinoway stated "Went to McGovern headquarters and talked
  with Southwick about Sunday TV interview with Muskie that
  Southwick plans to disrupt." Mr. MacMinoway repeated this statement in testimony before this Committee. The statement is
  false. To the best of my recollection, I have never, at any time,
  had any knowledge of any "TV interview with Muskie" during
  the Wisconsin primary campaign. Moreover, I state categorically
  that I never, at any time or in any way, directly or indirectly,
  was involved with any effort or plan to disrupt any television
  interview with Senator Muskie or to disrupt any other activity
  or event being held on behalf of any candidate for office.
- 9. In his diary entry for March 30, 1972, Mr.

  MacMinoway stated: "Left for McGovern's headquarters and talked with Tom Southwick, youth organizer, and helped him organize a south side canvass door-to-door." That statement is false. I

never, at any time, was involved in any way in organizing a canvass in Wisconsin. that task was the responsibility of the McGovern campaign's Congressional District Coordinators (in the case of South Milwaukee, Mr. Carl Wagner). My responsibility in Wisconsin was to provide volunteers to work with our district coordinators.

- 10. In his testimony before this Committee, Mr.

  MacMinoway stated: "Tom Southwick planned, organized, and
  carried out a demonstration against Senator Muskie." That statement is false. I never, at any time or in any way, directly or
  indirectly, planned, organized, carried out, participated in,
  approved, or engaged in demonstrations of any sort against
  Senator Muskie or against any other candidate for office.
- ll. In his testimony before this Committee and in his diary, Mr. MacMinoway stated that during the Democratic National Convention in Miami Beach, "I met McGovern's youth coordinator, Tom Southwick, and he mentioned to me that McGovern was organizing his own security staff . . . I obtained the name of McGovern's top security man from Tom." To the best of my recollection, I did not meet Mr. MacMinoway in Miami Beach, and I did not refer him to the McGovern campaign's security co-ordinator.
- 12. To the best of my knowledge, no one in the McGovern campaign at any time planned, organized, or participated in any demonstration against any opposing candidate. Nor were any campaign facilities used for such a purpose. It was the clearly expressed and repeatedly emphasized policy of the McGovern campaign that no member of the campaign staff should engage in any demonstration of any sort against any other candidate for office.

Further deponent sayeth not.

Thomas P. Southwick

Subscribed and sworn to before me this 24th day of October, 1973.

Robert le Aozona

